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The American Historical Association supplies the REVIEW to all its members; the Executive Council of the Association elects members of the Board of Editors.

Correspondence in regard to contributions to the REVIEW may be sent to the Managing Editor, Professor A. C. McLaughlin, 836 Tappan Street, Ann Arbor, Mich., or to the Board of Editors. Books for review may be sent to the Managing Editor, in care of The Macmillan Company, 66 Fifth Avenue, New York City. Subscriptions should be sent to The Macmillan Company, 41 North Queen St., Lancaster, Pa., or 66 Fifth Ave., New York. The price of subscription, to persons who are not members of the American Historical Association, is four dollars a year; single numbers are sold for one dollar; bound volumes may be obtained for four dollars and a half. Back numbers or volumes of the REVIEW may be obtained at the same rates.

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The
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THE MEETING OF THE AMERICAN HISTORICAL
ASSOCIATION AT WASHINGTON

IN December last, for the first time since 1895, the American Historical Association assembled at Washington. Six years ago the meeting was not well attended and interest in the Association did not seem to be growing. With intent of awakening new interest and attracting the attention of history students, it was determined to hold some of the meetings in other places than Washington, especially under the auspices and general direction of the universities. The migratory plan seems to have proved successful. Doubtless the new life and energy that are everywhere apparent in the work of the Association are due in large measure to other causes, but they are also in part attributable to the fact that by holding sessions in different parts of the country new members have been added, local interest has been awakened, a large number of persons have been enabled to attend its gatherings, and the Association has been recognized as really national in its purpose and scope.

The growth and increasing influence of the Association were well shown by the large attendance at the Washington meeting, December 27 to 31, 1901. It was estimated that nearly if not quite 200 members were in attendance. Many of them came long distances. Representatives were present not only from the neighboring states, but from California and Texas, as well as from the states of the Mississippi Valley and the farther northeast. There was an unusually large representation from the southern colleges and universities, an indication not only of the value of an occasional meeting in the south, but also of the developing interest in history in the south. One of the most valuable sessions was given to a consideration of topics in southern history, and after the session those that were especially concerned, came together to discuss in an informal conference the general subject of history teaching in

the southern states. The acquaintanceship and mutual co-operation resulting from such a gathering are likely to prove of considerable service in the advancement of historical study.

The local committee, of which General A. W. Greely was chairman and Mr. Gilbert H. Grosvenor was secretary and treasurer, made elaborate preparations to care for the entertainment of the Association. Nothing that could contribute to the comfort and convenience of those in attendance was neglected. Ex-Senator and Mrs. John B. Henderson gave a reception to the members of the Association; Mrs. Roosevelt received informally the lady members and wives of members. The privileges of the Cosmos Club which were generously extended to all were much appreciated. Arrangements were also made to give the amplest opportunity to visit the places and the collections which had special significance for the historical student. The libraries of the State and War Departments were open to inspection under the courteous supervision of Mr. Andrew H. Allen and Mr. J. W. Cheney. Of unusual interest and value were the opportunities of visiting the various departments of the Library of Congress, notably the departments of documents, of prints, of manuscripts and of maps. The hours spent in the library were full of profit and a source of inspiration to the visitors. Many students and teachers will go back to their tasks with renewed hope and courage and with confirmed convictions as to the bright future of historical scholarship in the United States. A great library conducted in the most liberal and enlightened manner, offering its advantages not only willingly but with positive eagerness, will be of incalculable service to historical investigation.

The programme prepared by the committee of which Professor Charles H. Haskins was chairman was of unusual excellence. The topics under consideration were so arranged as to give to each session a character and interest of its own. The American Economic Association likewise held its meeting in Washington and the members of the two Associations were thus enabled to meet together, as they did last year at Ann Arbor and on some previous occasions. Two joint sessions were held; in the first the presidents of the two societies delivered the customary annual addresses; in the other, subjects of common interest to workers in both fields were discussed.

The first session was held Friday evening, December 27, in one of the lecture rooms of Columbian University. The address of Mr. Charles Francis Adams appeared in the January number of the REVIEW. It is not necessary therefore to speak of it at length. The reader will remember that Mr. Adams gave it as his conviction that the Asso-

ciation should not forbear entirely from considering topics of political moment. He believed that its members, trained historical investigators and students of past politics, should stand ready to discuss live political subjects in the historical spirit and to offer solutions of present problems in accordance with the teachings of history. It will likewise be remembered that he considered at some length the historical attitude of the United States toward "inferior races" and weaker states. Professor Ely, president of the Economic Association, spoke on *Industrial Liberty*. He declared that complete liberty cannot be an absolute ideal, because authority is needed in society in order to secure an harmonious co-operation of its various elements, and without social authority we should have no production of wealth and should be without the material basis for that popular liberty which enables men to use their faculties in the common service. The basis of social authority is institutional in the broadest sense, not merely political. Socialism on the other hand does not furnish an ideal industrial condition. The true ideal lies midway between anarchy and socialism; it may be termed the principle of social solidarity. According to this principle, the great institutions must be conserved, but developed in the interests of liberty positively conceived.

The Saturday morning session was held in the assembly room of the Congressional Library. The first paper was read by Miss Lucy M. Salmon, of Vassar College, in advocacy of the establishment of a school of historical studies at Rome. Miss Salmon pointed out that recent years have worked great changes in American universities; that the time has long passed when one could complain, as did John Quincy Adams, that the foot-notes of Gibbon could not be verified in American libraries; that there still exist however certain defects in our educational system, defects due in large measure to our separation from the actual scenes of historical events. The lack of proper correlation of history with other subjects is a noticeable fault in the present situation, and this is especially noteworthy in the absence of proper appreciation of the bearings of classical learning and of archaeological erudition on history. It is plain too that the American student needs to have his knowledge vivified by personal acquaintance with monumental records and relics of the past. Above all, the disposition to treat American history as an isolated field of inquiry needs to be counteracted. It is no longer necessary to go to European universities for advanced work, but study in Europe under proper guidance is still to be desired. There is need then of an established colony of American students abroad in some center of historical interest where

their researches can be guided, and where they can receive the sympathetic instruction and counsel that are adapted to their peculiar wants. Miss Salmon argued that the most suitable site for such a school was the Eternal City, replete as it is with interesting suggestions of the past and with stimulating associations for the American scholar.

Professor George L. Burr read an interesting paper on the use of European archives. The article will be published in the REVIEW and therefore need not be summarized here. It did not pretend to be in any respect a detailed description of the public records that are accessible to scholars, but only a general characterization accompanied by practical suggestions to American students, that may be contemplating researches in the records of European states. The paper, written with fullness of knowledge and from personal experience, will prove serviceable to those who have not had Professor Burr's opportunities for learning the contents of European archives or the best methods for turning their treasures to account.

Mr. Robert T. Swan, commissioner of public records of Massachusetts, in a valuable paper told an interesting story of the efforts of the commissioners to gather and safeguard the public papers, not only of the state government, but also of the towns and counties of the commonwealth. A general law has been passed requiring the protection of documents. New buildings have been built and old ones remodelled, vaults have been constructed and safes purchased, until now nearly every community has its principal records in safe keeping. Stores of valuable papers have been discovered, examined and placed under proper protection; printing of the records has been encouraged and many volumes have been published; annual reports have been issued containing information for the custodians of records or for those who seek to use them in investigations. Perhaps the most valuable result of the commission's labors is the fact that the importance of keeping papers has been brought to public attention, while the recording officers, finding themselves clothed with more authority and responsibility, have come to appreciate more fully the significance and value of their tasks.

The last paper of the Saturday morning session was given by Mr. Herbert Putnam, the librarian of the Congressional library. He spoke of the character of the library and of the desire cherished by those in charge to make it widely useful and to give every possible facility not simply to readers but to investigators. He referred to his forthcoming report, which would contain matters of detailed information in which the members of the Association would naturally be interested. He spoke also of the desirability of co-op-

eration and mutual understanding between local libraries and the national library, in order that, avoiding injurious competition, each might obtain the material which properly belonged to it. The need of building up the collections of valuable sources was also emphasized, and especially the desirability of obtaining facsimile reproductions or transcripts of American material in foreign archives, an undertaking in which the Historical Association might profitably take active interest. The library is already engaged in the task of preparing card catalogues of the library which are to be deposited in some of the chief cities of the Union and in places where they are likely to be of special service to students; it is also willing to furnish to libraries catalogue cards for such volumes as may be indicated. Publications, like the *List of Maps* recently prepared by Mr. Phillips, are to be issued from time to time, giving students fuller knowledge of the contents of the library. After the morning session, luncheon was served in the restaurant of the library. Captain Alfred T. Mahan and others spoke briefly and informally to those present.

The regular session of the Church History Section was held in the lecture room of Columbian University, Saturday afternoon. Professor Williston Walker spoke most entertainingly of the Sandemanians of the eighteenth century. After outlining the origin of Sandemanianism in the work of John Glas and Robert Sandeman, in Scotland, and describing the theological tenets, worship and discipline of the Sandemanian churches, the speaker described Sandeman's missionary journey to America in 1764, and gave an account of his preaching and appearance at Newport, Danbury, Portsmouth and Boston, presenting information derived from the unpublished manuscripts of President Ezra Stiles, of Yale College. He told of the formation of Sandemanian congregations at Portsmouth, Danbury, Boston, New Haven, Taunton and Halifax, and mentioned some of their leading members. He noticed their prevailing Toryism at the time of the American Revolution—due in part to their confidence in the Biblical command of obedience to kings and all others in authority—and pointed out the consequent difficulties in which they were involved. He narrated Sandeman's American experiences to his death at Danbury, in 1771, and traced the story of American Sandemanian churches through internal disputes and consequent schisms to the extinction of all these bodies save that at Danbury, which he described as still consisting of four members, far advanced in years. The paper presented a curious and little known episode in eighteenth century religious history. The second paper of the session, by President J. E. Rankin, of Howard

University, was a tribute to the life and character of Professor Edwards Amasa Park. Dr. J. L. Ewell, also of Howard University, read excerpts from a sketch of the history of Byfield, a Massachusetts Country Parish.

Of special interest to college men was the conference of teachers in which was discussed the first year of college work in history. The meeting was intended to be very informal in character and to give opportunity for the frank presentation of theories and practices of those who have had somewhat large experience in the conduct of introductory courses. The discussion was led by Dr. Clive Day, of Yale University; Dr. Herman V. Ames, of the University of Pennsylvania; Professor Earle W. Dow, of the University of Michigan; Professor E. D. Adams, of the University of Kansas; Professor K. C. Babcock, of the University of California; and Professor A. C. Coolidge, of Harvard University. It was clear from their reports that the conduct of the work varies considerably. Though the introductory course is usually given in the field of general European history, in some places it is in English history and in others students have a choice from several different courses. Some teachers have in view principally a knowledge of cardinal facts; others, while requiring such knowledge, lay special emphasis on the historical significance of such facts. Frequently very special attention is given to the use of books and the library; sometimes, as at Kansas, maps and historical geography have an exceptionally prominent place. Here and there, as at Pennsylvania, stress is laid upon the life of the people, and lantern slides are extensively used. As a rule the work is carried on wholly in small classes; but in some places, as at Harvard and Michigan, lectures are given to a class of several hundred members. Some teachers require much collateral reading and written work; others rely more on the lecture or on a text-book; in some of the colleges each student is quizzed periodically by an assistant; elsewhere, as at Michigan, the large class is divided into sections for a weekly quiz and discussion. This absence of uniformity in method is no doubt due, not so much to a variety of pedagogical principles, as to varying conditions. But it is clear that though there are numerous differences, there is much agreement. All teachers insist, in one degree or another, upon a knowledge of facts; they all have in view some measure of training in the study of history; each is accustomed to use, not one, but a number of means and methods of securing the end in view; text-book work, collateral reading, oral and written exercises are generally, if not always, required as supplementary to the work of the lecture room. It seems probable that

as history becomes an older and better organized study in the secondary schools, university professors will be enabled to work under somewhat similar conditions, and will more nearly agree in their methods than is now the case.

Only two papers were read on Saturday evening, both of them treating of subjects in American history. Professor Herbert L. Osgood in a carefully prepared paper treated in a general way the most significant features of the relations between Great Britain and her colonies in the seventeenth century. Professor Osgood is interested, not only in the development of the colonies into states or of colonists into American citizens, but in the growth of the British Empire and in the rise and fall of British dominion. The paper was written from the latter point of view. Colonial history has been treated, even by Englishmen, so persistently as if it were only, or in large measure, the history of the United States in its infancy, that one is furnished a pleasing sensation of novelty when he sees many of the well-known facts fitted cleverly into the history of English colonization and used to explain in part the great process of empire building. The main theme of the paper was the gradual development of centralized authority in colonial matters during the first century after Jamestown, the gradual substitution of the royal colony for the colony managed by corporations or by personal proprietaries. Of peculiar interest was the account of the method by which Massachusetts Bay was deprived of its charter. A writ of *quo warranto*, sent out in 1635, was ineffective because to serve the writ on a company whose officers were across the sea and to make return within proper time proved impossible. In 1684, therefore, resort was finally had to a writ of *scire facias*, the personal service of which is not required in order that a court may obtain jurisdiction.

In a paper on James Madison and Religious Liberty, Mr. Gaillard Hunt traced Madison's connection with the establishment of religious liberty in Virginia, showing that in 1776 he had offered in the Virginia Convention an amendment to the Bill of Rights, which, if it had been adopted, would have rendered any subsequent legislation in behalf of religious liberty unnecessary. This amendment was molded by George Mason into that clause of the Bill of Rights relating to religious freedom, but not in the same radical form in which Madison submitted it. Eight years afterwards, Madison returned to service in his state and by means of his memorial and remonstrance, which was sent to every quarter of the state of Virginia and signed as a petition by the voters, he defeated the bill for religious assessment which Patrick Henry had introduced. So

strong an effect did this have in turning the tide which had been setting towards Henry's bill, that the people demanded the enactment of Thomas Jefferson's bill for religious freedom; and yet this bill, Mr. Hunt contended, would have been redundant if Madison's proposed amendment to the Bill of Rights had been accepted in its original form.

The subjects considered in the Monday morning session were in the field of European history and dealt with the Renaissance and Reformation. Professor E. L. Stevenson of Rutgers College read a paper dealing with the Spirit of German Humanism as it showed itself in the intellectual life of the nation in the period of the Renaissance. He referred to the economic, religious, political and educational preparation for the humanistic movement, and discussed the Italian influence which seems to have been particularly strong in the earlier period. Reference was made to the bearing of humanism on the development of education, literature and the coming of the Reformation. Professor Ephraim Emerton then presented a scholarly piece of critical work in a paper dealing with the Chronology of the Erasmus letters. He examined some of the results already reached upon this question particularly by Richter and Nichols; illustrated especially the disagreements between editions and the processes by which the recent attempts to establish the dates of the letters have proceeded; and pointed out that these attempts show cleverness, but are scarcely convincing. He thus came clearly to the conclusion that the problem of Erasmian chronology is still open to investigation.

The third paper of the morning, on Recent Contributions to the History of the Protestant Revolt, by Professor James Harvey Robinson of Columbia, was devoted to a general estimate of the historical literature from which we obtain knowledge of the Reformation. He declared that the material customarily used greatly embarrasses those who are anxious to reach a reasonable judgment as to the issues and the leaders of the movement, and that Janssen, a Catholic historian, gives on the whole the clearest notion of the spiritual life of Germany before the appearance of Luther. He dwelt upon the necessity of studying the church of the Middle Ages with care and impartiality. We hope to present to the readers of the REVIEW the full text of Professor Robinson's article as a useful presentation of the most recent work and the best considered opinion concerning the nature of the Reformation.

The second joint session of the Historical and Economic Associations was held Monday evening. Professor A. Lawrence Lowell of Harvard presented a paper on Party Legislation in Parliament, in

Congress, and in the State Legislatures. It consisted chiefly in demonstrating a chart of the divisions or yea and nay votes in the House of Commons, Congress and some of the state legislatures, lines of different color indicating the proportion of party votes. For the House of Commons, sessions were taken about ten years apart, beginning in 1836 (when the division lists were first printed); the result showed clearly that party voting was at its minimum about 1860, and that from this time it had increased steadily until, in the last two sessions taken (1894 and 1899), it was very large. For Congress the result showed a very irregular amount of party voting, varying with the question which happened to come up for consideration, there being, for example, a great many votes where party lines were nearly strictly drawn whenever a tariff bill was under consideration, while in some other sessions they were very few. On the average, there is more party voting in Congress than there was in the House of Commons in 1860, but less than there is in the House of Commons to-day. The states taken were Massachusetts, New York, Pennsylvania, Ohio and Illinois, and in all of these, with the exception of New York, the amount of party voting is very slight. Some figures were also given in regard to the proportion of public and private bills enacted by these various legislative bodies on which a party vote had been taken at some stage in their passage.

In commenting on Professor Lowell's paper, Professor Judson spoke chiefly of party voting in state legislatures, pointing out the fact that questions that have a bearing on national party policies or organization are decided on party lines, as are problems that involve new and important policies for the state and imply higher taxation or increased responsibility. But the great mass of state legislation is altogether indifferent in character and there is no reason for expecting that on ordinary questions party proclivities or prejudices will be manifested.

Professor E. R. A. Seligman, the President-elect of the Economic Association, spoke upon the Economic Interpretation of History and sought to give a practical estimate of the so-called "materialistic conception of history." Attention was directed primarily to the five criticisms usually met with: 1st, that the theory of economic interpretation is a fatalistic doctrine; 2nd, that it rests on the assumption of historical laws, the very existence of which is open to question; 3rd, that it is socialistic; 4th, that it neglects the ethical and spiritual phases of history; 5th, that it leads to absurd exaggerations. While these objections were shown to be in a large measure destitute of foundation, it was pointed out that from the

purely philosophical standpoint the theory, especially in its extreme form, is no longer tenable as the universal explanation of all human life; but in the more restricted sense, economic interpretation—in the sense, namely, that the economic factor has been of the utmost importance in history and that the historical factor must be reckoned with in economics—the theory has been and still is of considerable significance. The subject of Professor Seligman's paper was discussed briefly by Professor Isaac A. Loos of the University of Iowa, and Professor E. P. Cheyney of the University of Pennsylvania. Professor Cheyney objected to the practice of beginning the examination of historical facts with the preconceived notion that the leading causes and influences are economic in their nature, or, indeed, with any theory of interpretation. He contended that the simple but arduous task of the historian was to collect facts, view them objectively and arrange them as the facts themselves demanded, without reference to any especial operating force beyond that clearly shown by actual conditions. He thought that many students had been led astray because they approached the past with predetermined principles of classification and organization.

The session on Tuesday morning in which papers on southern history were read was held in the assembly room of the National Museum. The first paper, by President Lyon G. Tyler, of William and Mary College, recounted the history of the records of the London Company. Professor John S. Basset, of Trinity College, North Carolina, gave an interesting description of the relations between the Virginia planter and the London merchants. The Virginia Company attempted unsuccessfully to restrict the trade of Virginia to itself. The fall of the company, in 1624, left the trade entirely open to the world. Then appeared the direct trade between the planter and the London merchant. This system produced some serious evils. It prevented the establishment of strong trading centers in Virginia; it thus gave the colony over to a rural life; it brought about irritating disputes between the planter and the merchant; it fostered the existing system of transportation which was unsatisfactory and expensive; it had a tendency to breed antagonism to foreign capital. Many Virginians realized the need of towns, but neither the large planters nor the merchants would support the laws made to encourage towns.

The Place of Nathaniel Macon in Southern History was the title of a paper by Professor William E. Dodd, of Randolph-Macon College. After giving a brief outline of Macon's life, the speaker selected for emphasis the most significant of his political tenets and the influence of the doctrines which he tenaciously held and boldly

advocated. Macon was consistently and without variation a supporter of state rights, and is justly entitled to a place beside the members of the Southern triumvirate, Jefferson, Calhoun and Randolph. Opposed to Federalism in all its forms, standing firmly against everything sought for by the commercialists of the north, he was the typical Southern agrarian, and yet, like other agriculturalists and supporters of local rights, an advocate of territorial expansion. Even before Randolph announced his notion of the interdependence of state rights and slavery, Macon had proclaimed a like doctrine and had gone so far as to anticipate Calhoun's dogma concerning the necessity of perpetual balance between the sections.

Dr. Bernard C. Steiner, of Johns Hopkins University, spoke on the Early Courts of Maryland, closing his paper with the year 1657. The period was selected because it covered the published volumes of the provincial court records; because in it were laid the foundations of the jurisprudence of the province; and because within it occurred the numerous tumults and oppositions to the authority of the Lord Proprietor. Attention was called to the wide judicial powers conferred upon the proprietor by the provincial charter, and to the organization of the courts both by ordinance of the proprietary and by act of the general assembly. The governor was supreme judge and sat in provincial court with his councillors; at times judicial functions were exercised by the general assembly especially when there was no law to cover the case; manorial courts were provided for by the charter and some of them were actually organized. The paper closed with a brief summary of the procedure of the courts and of the kinds of cases that were chiefly found in the records.

Professor George P. Garrison, of the University of Texas, gave the last paper of the meeting, an interesting description of the work that was being done by men of the southwest in studying and writing the history of that section of the country. By the southwest was meant the old Spanish territory south and west of the line of 1819. After speaking of the courses that were given in other schools and universities he discussed at greater length the work and ambitions of his own university and the Texas Historical Association, showing how much was being accomplished in the way of adding to our scant knowledge of the early history of that region. Of chief interest to historical students were his remarks concerning the abundance of manuscript material of the greatest value to the investigator, such material as that contained in the Bexar archives, which were described by Mr. Lester G. Bugbee in a small pamphlet issued in 1899. In that collection alone there are

some 350,000 pages. The Austin papers, which have just been transferred to the custody of the university, are of great value. They are "the most important repository of documents relating to the Anglo-American colonization of Texas". Unlimited opportunity for profitable research is offered by the collections, which fortunately are now placed where they can be wisely used and industriously exploited.

At the close of this session, as we have said, the persons that were specially interested in southern history met informally to consider the subject and especially the teaching of history in the south. The formation of a separate association was thought to be inadvisable; but the conference determined to make a beginning in the examination of southern conditions by investigating the methods of teaching history in the schools. Professor Frederick W. Moore, of Vanderbilt University, was chosen chairman of the committee that will undertake this investigation.

The business meeting of the Association, which was held Monday afternoon, was well attended. The session was appropriately begun by papers devoted to the life and work of two men who had held positions of honor and usefulness in the Association, and who by their interested labor had done much to promote its prosperity. Professor George L. Burr, who is intending to write a life of Professor Moses Coit Tyler, gave a short sketch of Professor Tyler's career, speaking of the charming personality and lovable traits which endeared him to so many, and paying the tribute of a friend and admirer to literary works which were the result of painstaking and laborious research, were constructed with scrupulous accuracy and regard for truth, and were written withal in a singularly felicitous and brilliant style. The chief events in the life of Herbert B. Adams were told in a paper by Professor John M. Vincent, of Johns Hopkins University. It recounted the early school and college days of Mr. Adams, his years of study in Europe, his success in founding and carrying forward the historical work at Johns Hopkins; it spoke of the enthusiasm which he imparted to the young men who came under his instruction, his skill and vigor as a teacher, his unremitting toil in the interests of the Historical Association, and his own contributions to scholarship. The speaker fittingly called to mind the personal qualities of one who did much for the promotion of the best historical work and the sustaining of high scholarly ideals in America.

The reports of the Council and of the Treasurer showed that the affairs of the society were in good condition. The Treasurer reported that he had received, during the year 1867, annual member-

ship dues and three life memberships. Disbursements amounted to \$4,805.65 ; but in spite of the large expenditure occasioned by the many activities in which the Association is interested, the funds of the Association increased to the sum of \$14,377.65, an increase during the year of \$1,072.93. The Treasurer also reported that Professor Herbert B. Adams had bequeathed to the Association the sum of \$5,000. This money had not as yet been turned over by the executors of the estate, and it therefore did not appear in the Treasurer's report. At the Detroit meeting in 1900 the Council reported favorably on the project of appointing a committee to arrange for the publication of a co-operative history of the United States. The Association was at that time unwilling to approve of the plan without further consideration, and finally referred the matter back in order that it might be brought up at the Washington meeting. The Council now reported that it had reached the conclusion "that in view of the difficulties involved, it would not be expedient for the American Historical Association to take part in forming or carrying out a plan for the composition or publication of a co-operative history of the United States." Resolutions were offered and passed in appreciation of the wisdom of Congress in its liberal maintenance of the Congressional library. A memorial to Congress was also adopted approving the establishment of a national hall of records. It may well be added that the Council has not only provided for carrying on the established work of the Association, but has taken various new problems under consideration. A project for the establishment of a school of American historical studies at Washington, which was laid before the Council at its November meeting, and the suggestion of an American historical school at Rome, were referred to a committee of the Council.

Invitations having been received from the University of Pennsylvania, the Pennsylvania Historical Society and the American Philosophical Society, it was decided to hold the next meeting in Philadelphia, during the Christmas holidays, the exact date to be announced in the future. The Council appointed a committee on programme and also a local committee of arrangements. The membership of these committees appear in the list of officers and committees given below. It was also announced that Professor Harry Pratt Judson had been appointed for another term as a member of the board of editors of the *AMERICAN HISTORICAL REVIEW*.

Professor William MacDonald, chairman of the Public Archives Commission, made a short report on the work of the commission to the effect that there would soon be ready for publication a somewhat

detailed account of the records of Philadelphia and less detailed descriptions of the archives of some of the states. The work of the manuscript commission was reported by Professor E. G. Bourne who said that the commission had examined the papers of Salmon P. Chase and expected to have them ready for publication in a short time. Professor George B. Adams, on behalf of the Editors of the *AMERICAN HISTORICAL REVIEW*, spoke briefly of the work and prospects of this journal, and called the attention of the Association to the fact that an increase in membership would be helpful in building up the work of the *REVIEW* and likewise of benefit to the Association, if the members secured were interested in history and in the promotion of historical studies. The committee on the Justin Winsor prize, through its chairman, Professor Charles M. Andrews, reported that seven essays had been presented, all of high excellence, and that the prize had been awarded to Ulrich B. Phillips for a monograph on the subject, "Georgia and State Rights," and that honorable mention had been made of a monograph by Miss M. Louise Greene on, "The Struggle for Religious Liberty in Connecticut."

Captain Alfred T. Mahan, the second vice-president, was elected president, Mr. Henry Charles Lea, of Philadelphia, first vice-president, and Mr. Goldwin Smith, of Toronto, second vice-president. Mr. A. Howard Clark, Professor Charles H. Haskins and Mr. Clarence W. Bowen were re-elected to positions they had held during the preceding year. Professor Frederick J. Turner and Mr. Herbert Putnam were elected to the Council.

OFFICERS AND COMMITTEES OF THE AMERICAN HISTORICAL ASSOCIATION.

<i>President,</i>	Captain Alfred T. Mahan, U. S. N.
<i>First Vice-President,</i>	Henry Charles Lea, Esq.
<i>Second Vice-President,</i>	Goldwin Smith, Esq.
<i>Secretary and Curator,</i>	A. Howard Clark, Esq.
<i>Corresponding Secretary,</i>	Professor Charles H. Haskins.
<i>Treasurer,</i>	Clarence W. Bowen, Esq.
<i>Secretary of the Church History Section,</i>	Professor Samuel M. Jackson.

Executive Council (in addition to the above named officers):

Hon. Andrew D. White, ¹	Edward Eggleston, Esq., ¹
Charles Kendall Adams, Esq., ¹	Charles Francis Adams, Esq., ¹
President James B. Angell, ¹	Professor William A. Dunning, ²

¹ Ex-presidents.

² Elected members.

Henry Adams, Esq., ¹	Peter White, Esq., ²
Hon. George F. Hoar, ¹	Professor J. Franklin Jameson, ²
James Schouler, Esq., ¹	Professor A. Lawrence Lowell, ²
Professor George P. Fisher, ¹	Herbert Putnam, Esq., ²
James Ford Rhodes, Esq., ¹	Professor Frederick J. Turner. ²

Committees:

Finance Committee: Elbridge T. Gerry, Esq., chairman, George S. Bowdoin, Esq.

Committee on Programme for the Next Meeting: Professor John B. McMaster, chairman, Professors Dana C. Munro, Charles H. Haskins, Samuel M. Jackson and Frederick J. Turner.

Local Committee of Arrangements: President C. C. Harrison, chairman, Messrs. S. W. Pennypacker, J. S. Rosengarten, Talcott Williams and Henry Willis (with authority to add auxiliary members at the discretion of the chairman).

Committee on the Entertainment of Ladies at the Meeting of the Association: Mrs. J. B. McMaster, chairman, Miss Ida M. Tarbell, Mrs. George O. Robinson (with authority to add auxiliary members at the discretion of the chairman).

Delegates to the International Congress of Historical Studies at Rome, April, 1902: Herbert Putnam, Esq., Professors Henry E. Bourne, Dana C. Munro, Charles H. Haskins and Ernest C. Richardson, Esq.

Editors of The American Historical Review: Professors William M. Sloane, Albert Bushnell Hart, Andrew C. McLaughlin, H. Morse Stephens, George B. Adams and Harry Pratt Judson.

Committee on Bibliography: Ernest C. Richardson, Esq., chairman, Messrs. William E. Foster, A. P. C. Griffin, George Iles, William C. Lane, J. N. Larned and Professor Charles Gross.

Historical Manuscripts Commission: Professor Edward G. Bourne, chairman, Professor Frederick W. Moore, Professor Theodore C. Smith, Reuben G. Thwaites, Esq., and Professor George P. Garrison.

Committee on the Justin Winsor Prize: Professor Charles M. Andrews, chairman, Professors Edward P. Cheyney, Charles H. Hull, Williston Walker and Roger Foster, Esq.

¹ Ex-presidents.

² Elected members.

Public Archives Commission: Professor William MacDonald, chairman, Professors Herbert L. Osgood, John M. Vincent, Charles M. Andrews and Edwin E. Sparks (with power to add auxiliary members and to fill vacancies till the next meeting of the council).

Committee on Publications: Professor George L. Burr, chairman, A. Howard Clark, Esq., Professor Fred M. Fling, Professor Samuel M. Jackson, Professor Anson D. Morse, Miss Elizabeth Kendall and Professor George W. Knight.

General Committee: The corresponding secretary, chairman, Miss Lucy M. Salmon, Professors George E. Howard, John S. Bassett, William MacDonald, James H. Robinson, George B. Adams and Henry E. Bourne (with power to add auxiliary members).

ROBERT LE BOUGRE AND THE BEGINNINGS OF THE INQUISITION IN NORTHERN FRANCE

I.

IN few fields of historical investigation has greater advance been made in recent years than in the study of the medieval inquisition. Long a favorite battle-ground of passion and prejudice, occupied chiefly by the controversialist and the pamphleteer, the history of the inquisition has begun to yield to the methods and spirit of modern historical science; and while the issues which it involved are not always easily separable from those of our own day, there has been a noticeable gain, not only in the critical accumulation of knowledge which reveals the real workings of the inquisition, but in the application to the medieval church of the historical spirit, which seeks neither to approve nor condemn an institution but only to understand it in the light of its own age. Scholars of many lands have contributed to this result, and it is a source of pride to American students that the work of one of their countrymen, Mr. Henry Charles Lea, still remains, in spite of the active investigations of the fifteen years which have elapsed since its publication, "the most extensive, the most profound, and the most thorough history of the inquisition which we possess."¹ At the same time no one would be slower than its author to claim finality for a work which, with all its enormous research, could not utilize many of the sources now accessible, or profit by the monographic studies upon the inquisition which in 1887 had scarcely begun to appear; and no one has been more ready to welcome the numerous recent contributions to the history of the Holy Office. Of these recent studies, some have dealt with the more general aspects of the inquisition, such as the organization and procedure of its tribunals or their relation to such matters as witchcraft and magic, others have been content to examine more closely its vicissitudes in the various countries of Europe and America. These general and local investigations can never be wholly independent, and their connection is peculiarly close in the case of an institution like the inquisition, which developed slowly and to a certain degree as the result of

¹ Quoted by Fredericq, in his essay on the *Historiographie de l'Inquisition*, prefixed to the French translation of Lea's *History of the Inquisition in the Middle Ages* (Paris, 1900). A German translation of Lea is announced.

experiments carried on in different places at the same time, and which it is consequently impossible to understand as a whole without examining the varying conditions which affected it in different countries. This is particularly true of the formative period of the thirteenth century, and it is with this period and with the comparatively neglected field of northern France that the present article is concerned. The necessity for the inquisition in the north was at all times small, when compared with the grave situation which confronted the church in Languedoc, and its history is naturally of far less importance. Still, the wide prevalence of heresy in the south and the heroic measures which were found necessary for its extermination were to a certain extent abnormal, and are apt to create a false impression of the conditions which called the papal inquisition into existence. The naturalness, one may almost say the inevitableness, of the rise of the papal inquisition appears much more clearly if studied under more normal conditions, in a field which presented no exceptional difficulties to the operation of the older system. Some account of the early history of the inquisition in the north will be found in the general work of Lea, in Tanon's useful study of inquisitorial procedure in France,¹ and in Fredericq's admirable history of the inquisition in the Netherlands.² It is hard gleaning after such scholars as these, yet their somewhat incidental treatment of northern France and the additional material that is now available upon the subject may perhaps justify a more special study. I shall deal briefly with the period preceding the introduction of the papal inquisition, and shall then treat more at length the general history and the procedure of the inquisition under the first papal inquisitor, the Dominican friar, Robert le Petit, better known by his popular name of Robert le Bougre.³

¹ *Les Tribunaux de l'Inquisition en France*. Paris, 1893.

² *Corpus Documentorum Inquisitionis Haereticæ Pravitatis Neerlandicae*. Ghent and the Hague, 1889 ff. *Geschiedenis der Inquisitie in de Nederlanden*. *Ib.*, 1892 ff. Many of the documents in the *Corpus* were already in print, but I shall frequently refer to this collection because of its convenience.

³ The only special study of Friar Robert is the monograph of the late Jules Frederichs, a pupil of Fredericq, entitled *Robert le Bougre, Premier Inquisiteur Général en France*, and published as the sixth fascicule of the *Recueil de Travaux* of the Faculty of Philosophy of the University of Ghent (32 pp., Ghent, 1892). So far as it goes, this is a very creditable piece of work, being particularly useful for events in Flanders and the adjacent regions, but its author overlooked several important sources of information. The accounts in Fredericq (*Geschiedenis*, I. 42-59) and Tanon (113-117), accept Frederichs's results. Other brief accounts are in Lea, II. 113-117 (with some corrections in the French translation); Berger, *Blanche de Castille*, 294-296; Tillemont, *Vie de Saint-Louis*, II. 289-293 (remarkably good for its time); and Chapotin, *Histoire des Dominicains de la Province de France* (Rouen, 1898), 216-226. Chapotin's account is the latest, but it is incomplete and careless and contains little that is new.

The sources for the history of the inquisition in northern France, when compared with the materials available for Languedoc, are disappointingly meager.¹ There was here far less to record than in the south and far less system in the records, and even the material that once existed has largely disappeared in the destruction of one kind and another which has wrought such sad havoc with the French archives of the thirteenth century. There is for the north no Collection Doat, with its rich mass of copies from ecclesiastical archives; there are no registers of proceedings like those of the tribunals of Carcassonne and Pamiers or of the inquisitor Bernard de Caux; there are no manuals of procedure like the famous *Practica* of Bernard Gui.² The most that careful search can collect for the north consists of some scattered local charters, a fair number of papal bulls, a few edifying examples garnered into the pious collections of Caesar of Heisterbach,³ Étienne de Bourbon,⁴ and Thomas de Cantimpré,⁵ and the narratives of contemporary chroniclers, whose accounts of local matters are often of considerable value. Of the records of the royal administration under St. Louis, which must once have contained important information regarding the persecution of heresy, nothing remains touching the inquisition save some scattered notices in the royal accounts; the administrative correspondence is gone, even the general ordinance issued by St. Louis for the punishment of heresy in the north has disappeared.⁶ Fortunately the papal documents of the thirteenth century are better preserved, thanks to the numerous originals in local depositories and to the registers so carefully kept by the papal chancery from the accession of Innocent III.; and it is from these more than from any other single source that we derive the greater part of our knowledge of the early history of the papal inquisition and—so

¹ For their special kindness in the course of my investigations at Paris my thanks are particularly due to M. Léopold Delisle, director of the Bibliothèque Nationale, and to M. Lucien Auvray, of its department of manuscripts, to Professor Élie Berger, of the École des Chartes, and to M. Auguste Coulon, of the Archives Nationales. At Rome, Mr. J. A. Twemlow of the English Public Record Office has given valuable assistance.

² On these see Charles Molinier, *L'Inquisition dans le Midi de la France*, and *Études sur quelques Manuscrits des Bibliothèques d'Italie*; Douais, "Les Sources de l'Histoire de l'Inquisition dans le Midi de la France," in the *Revue des Questions Historiques* for October, 1881, and *Documents pour servir à l'Histoire de l'Inquisition dans le Languedoc*.

³ *Caesarii Heisterbacensis . . . Dialogus Miraculorum*, ed. Strange, Cologne, 1851.

⁴ *Anecdotes Historiques, Légendes, et Apologues tirés du Recueil Inédit d'Étienne de Bourbon*, ed. Lecoy de la Marche, Paris, 1877. Étienne was himself an inquisitor.

⁵ *Bonum Universale de Apibus*, Douai, 1627. Cf. Berger, *Thomas Cantimpratensis Bonum Universale de Apibus quid illustrandis Saeculi Decimi Tertii Moribus Conferat* (Paris, 1895), and Kaufmann, *Thomas von Chantimpré* (Cologne, 1899).

⁶ Fredericq, *Corpus*, II., Nos. 20, 55; *Geschiedenis*, I. 111-113.

scarce are local documents relating to heresy—much of our knowledge of the later history of the episcopal inquisition as well. Still the registers, whose publication in recent years has been of the greatest assistance to all students of the thirteenth century,¹ sometimes fail us when we most need their aid; all bulls were not registered, and many important acts of the papal administration were issued through legates or subordinate bureaus whose records have for the most part disappeared.²

The existence of heresy in the north of France can be traced back as far as the early part of the eleventh century, when heretics were discovered and punished at Orleans, Arras, and Châlons-sur-Marne, and as time goes on heretics are found in most parts of the north, even in regions as remote as Brittany.³ These heretics were for the most part Manicheans who had passed westward and north-

¹ The registers of Innocent III. have been in print since the seventeenth century, those of Honorius III. have recently been edited by Pressutti, while the publication of the registers of the other Popes of the thirteenth century is rapidly advancing under the auspices of the French School at Rome. For the years from 1198 to 1255 the entire series of registers is in print with the exception of the last four years of Gregory IX., Auvray's edition of the registers of that Pope, so important for the history of the inquisition, not having as yet advanced beyond 1237. For the remaining years of Gregory IX. the copies from the registers contained in the Collection Moreau at Paris and the volumes at the Vatican have been searched. Of the older collections of papal bulls the most important for the study of the inquisition is of course the *Bullarium Fratrum Praedicatorum* of Ripoll; a more complete calendar of bulls relating to the Dominicans is being published in the *Analecta Ordinis Fratrum Praedicatorum* (Rome, 1893 ff.).

² From one of these bureaus valuable documents, some of them relating to the inquisition, have been preserved in a collection of forms of the papal penitentiary discovered and published by Mr. Lea in his *Formulary of the Papal Penitentiary* (Philadelphia, 1892). There is no evidence that any of the documents contained in the formulary are subsequent to 1238, and so far as they can be dated they fall within the pontificate of Gregory IX. The collection is ascribed in the title to a cardinal priest "magister Thomasius," whom Mr. Lea (p. xxxviii) identifies with Jacobus Thomasius Gaetanus, cardinal priest of St. Clement from 1295 to 1300. This cardinal, however, would seem to have been known as "dominus Jacobus" (Baumgarten, *Camera Collegii Cardinalium*, 105, 108), and it would be remarkable that a collection composed at the very end of the thirteenth century should contain no forms later than Gregory IX. Souchon (*Historische Zeitschrift*, LXXIII. 87) makes the plausible suggestion that the compiler was the famous Thomas of Capua, who is mentioned in certain of the forms.

This conclusion regarding the earlier date of the formulary in Mr. Lea's possession is confirmed by an examination of another formulary of the penitentiary contained in a MS. of the fourteenth century in the library at Tours (MS. 594, ff. 2-73). This is a more extended collection, including most of the forms in Mr. Lea's MS.—which would seem to have served as the basis—and a large number of others, many of which refer to events in the later thirteenth century and the pontificate of Boniface VIII. With two exceptions, the forms relating to French heretics are repeated from the earlier formulary but the proper names and initials are usually omitted.

³ On the early history of heresy in northern France see the excellent pioneer work of Charles Schmidt, *Histoire et Doctrine de la Secte des Cathares ou Albigeois* (Paris, 1849), I., 24-50, 86-94; Havet in the *Bibliothèque de l'École des Chartes*, XLI. 498 ff.; Lea, I. chs. 2 and 3.

ward from Italy and Provence along the great lines of trade, just as their predecessors may have followed the routes of Balkan commerce into Italy,¹ and they were most numerous among the classes that travelled most, the merchants and artisans of the towns. Their chief centers in the north were in French Burgundy and the Nivernais, in Champagne, whose fairs constituted the great international market of the twelfth and thirteenth centuries and brought together large numbers of traders from Italy and the north,² and in Flanders, where the development of manufactures attracted considerable bodies of workmen from a distance and crowded them in towns for whose religious welfare the older ecclesiastical organization made no adequate provision.³ So popular did the dualistic doctrines become among the weavers that the name *textor* became a synonym for heretic,⁴ while suspicion easily fell upon the Flemish merchants by reason of their intercourse with the south and of the popular association of heresy with usury.⁵ The Waldensian element in the north of France was of later origin than the Manichean and of much less importance. Adherents of this sect are found in several neighboring cities of the empire, such as Metz, Toul, Strassburg and Besançon,⁶ and a later writer states that it was possible for a Waldensian journeying from Antwerp to Rome to spend every night with people of his faith,

¹ Cf. Karl Müller, *Kirchengeschichte*, I. 495; and on the predominance of the Catharan form of heresy in the north see Charles Molinier in the *Revue Historique*, XLIII. 167. Most of the places mentioned in the eleventh and twelfth centuries as seats of heresy in the north lie directly on the great trade routes, as may be seen by examining the map of overland trade routes at the end of Schulte's *Geschichte des mittelalterlichen Handels und Verkehrs zwischen Westdeutschland und Italien* (Leipzig, 1900). That the Albigensian Crusades also scattered heretics northward is altogether likely (Lea, II. 113).

For instances of the close connection between the heretics of northern France and those of Italy see Fredericq, *Corpus*, I. No. 2; Albericus in *Monumenta Germaniae Historica*, *Scriptores* (henceforth M. G. H. SS.), XXIII. 940, 944; Mousket, *Chronique Rimée*, verses 28873, 28996; *Historiens de France* (henceforth H. F.), XVIII. 726; and the papal bulls in Auvray, *Règistes de Grégoire IX*, No. 1044, and Chapotin, *Histoire des Dominicains de la Province de France*, 224.

² On the central position of the fairs of Champagne at this time see Schulte, I. 156, 160. On Flemish merchants at the fairs see Bourquelot, *Études sur les Foires de Champagne*, I. 139-141, 191 ff.; Pirenne, *Histoire de Belgique*, 251. Among the various recent discussions of the intercourse of Italian merchants with Champagne, see particularly Paoli, *Sienna alle fiere di Sciampagna* (Siena, 1898). Champagne was also of great importance in the woolen industry (Schulte, I. 127).

³ Karl Müller, *Kirchengeschichte*, I. 493, 557; Pirenne, *Histoire de Belgique*, 333.

⁴ Pirenne, l. c.; Schmidt, I. 43, 47, II. 281; Du Cange under "Textores."

⁵ Persecution of merchants for heresy at Lille and Arras in Mousket, v. 28988; Fredericq, *Corpus*, I. No. 121. The association of heresy with usury is illustrated by Matthew Paris, *Chronica Majora*, III. 520, where he is speaking of Flanders. On the prevalence of usury in Flanders see M. G. H. SS., XXIV. 309, XXVIII. 442; Auvray, *Règistes de Grégoire IX*, No. 392.¹

⁶ Haupt, "Waldenserthum und Inquisition," in *Deutsche Zeitschrift für Geschichtswissenschaft*, I. 285 ff.

but exceedingly little is known of them in France.¹ The clearest case is that of a baker of Rheims, named Echard, who was burnt in 1230 or 1231 after condemnation by a provincial council which at the same time felt it necessary to forbid the circulation of Romance versions of the scriptures.²

The discovery and punishment of heresy in the earlier Middle Ages was the duty of the bishop, assisted in the exercise of this, as of his other judicial functions, by the archdeacon and the official.³ In securing information the bishop might avail himself of the machinery of local inquest, inherited from the Carolingian government, which placed at his disposal in every parish a body, usually seven, of *testes synodales*, sworn to reveal whatever they might know or hear of any offense that came within the bishop's jurisdiction. That among such offenses heresy should have a prominent place was in itself natural, and was moreover particularly commanded by various councils, notably the great Lateran council of 1215. After an accusation of heresy had been brought to the bishop, by public presentment or private information—and the vagueness of the chroniclers on this point rarely permits us to determine the method employed in a particular case,—there was still chance for considerable perplexity regarding the subsequent procedure. Cases of heresy were not of common occurrence, and while the canon law contained principles which were capable of application to such cases,

¹ Trithemius, *Annales Hirsaugienses*, ad an. 1230 (edition of 1690, I. 543). The source of the statement is unknown. Müller, *Quellen welche der Abt Trithemius im ersten Theile seiner Hirsauer Annalen benutzt hat* (Leipzig, 1871), 30.

² Attention was first called to this council by Hauréau, who discovered and published a passage relating to it in a sermon of Philippe de Grève. See his article, "Un Concile et un Hérétique Inconnus," in the *Journal des Savants*, August, 1889; and his *Notices et Extraits de quelques Manuscrits*, VI. 239–242. That the baker Echard (not Guichard, as Hauréau has it; the MSS. have Ezhardus, Ethardus, Hyecardus, Hezhardus) was a Waldensian appears from the account of his doctrines given in two other sermons of the same preacher, preserved in the libraries of Troyes (MS. 1099, ff. 166, 168) and Avranches (MS. 132, ff. 4, 6v); and is in one of the sermons explicitly stated: *Pauperes a Lugduno quos sequens Ezhardus fornicarius, Remensis civis nuper dampnatus* (MS. Avranches 132, f. 4v; MS. Troyes 1099, f. 167).

The date is fixed by the fact that the collection of sermons from which Hauréau's extract is taken (Bibliothèque Nationale, MS. Lat. n. a. 338) forms a series for the ecclesiastical year, extending from September, 1230, to August, 1231, as is shown by the coincidence of the fixed and movable feasts (Lecoy de la Marche, *La Chaire Française au Moyen Age*, Paris, 1886, p. 327). The sermon relating to Echard was preached on Holy Thursday at Paris, those in the other MSS. in the week following Trinity at Laon and Bruyères; and as the condemnation by the council is referred to as something recent, it must fall early in 1231 or late in the preceding year. Other indications in the collections of sermons point to the same period.

³ On the organization and procedure of the episcopal inquisition see particularly Lea, I. 305–315; Tanon, 255–325; Hinschius, *Kirchenrecht*, V. 337 ff., 425 ff. What is given below is of course only a very brief outline, and no attempt is made to treat the various legal questions involved.

the local prelate had few precedents to guide him as to the procedure to be followed or the penalty to be inflicted—indeed the preliminary question as to what constituted heresy might often puzzle any one but a theological expert. It is therefore not surprising to find the French bishops seeking the advice of their fellow prelates,¹ turning to a papal legate, if one happened to be near, or even consulting the Pope himself.² The procedure was deliberate—at times too deliberate for the patience of the people, who in some instances lynched those whom the bishops sought to protect,³—and apparently an effort was made to give the accused a fair trial as that was then understood. The examination was often conducted in the presence of a number of bishops,⁴ or even an organized church council,⁵ and mention is sometimes made of the presence of skilled jurists or masters in theology as well.⁶ When the matter of checking the spread of heresy was first taken up by the Popes, no fundamental change was made in the system just described. The legislation of Lucius III. and Innocent III., besides defining heresy more sharply and requiring active assistance on the part of the secular power, was directed primarily toward increasing the responsibility of the bishop and empowering him to proceed against suspected persons on his own initiative, by virtue of his official authority, without waiting for formal accusations.⁷ Under Innocent III. there

¹ Examples in Fredericq, *Corpus*, I. Nos. 3, 46, 48; H. F. XII. 266.

² As at Liège in 1145 (Fredericq, *Corpus*, I. No. 30), Arras in 1153 (*ib.* 32), and Rheims in 1162 (*ib.* 36).

³ The instances will be found in the *Bibliothèque de l'École des Chartes*, XLI. 507, 515; or in Tanon, 15.

⁴ As at Vézelay in 1167 (H. F. XII. 343) and in the persecutions at La Charité.

⁵ Examples are: Liège, 1135 (Fredericq, *Corpus*, I. No. 25); Sens, 1198 (H. F. XVIII. 262); Dijon, 1199 (Hefele, *Conciliengeschichte*,² V. 798); Paris, 1201 and 1210 (*ib.* 801, 861); Trier, 1231 (Fredericq, *Corpus*, I. No. 82); Rheims, 1230 or 1231 (see above, p. 442).

⁶ Potthast, 693, 4197; M. G. H. SS. XXVI. 275. On the evidence used in the earlier French cases see Tanon, 275, 303 ff., 324. Another example of the use of witnesses in Hauréau, *Notices et Extraits de quelques Manuscrits*, I. 178. The application of canonical purgation was more common than Tanon states; see the instances of its employment for laymen at La Charité in Auvray, *Régestes de Grégoire IX*, 1044, 2825; Potthast, 10044. In the best known case, that of the dean of Nevers in 1199 and 1200 (Potthast, 693, 1124, 1577), it appears that the accused was restored to office; his signature as dean is found in a charter of the year 1200, according to Parmentier, *Histoire sommaire de Nosseigneurs les Evêques de Nevers* (MS. in the Archives de la Nièvre), I. 102.

⁷ On the episcopal inquisition and the Popes see, besides the works cited above, the chapter in Fredericq's *Geschiedenis* (I. ch. 2); and on the obligations of the bishop, Henner, *Beiträge zur Organisation und Kompetenz der päpstlichen Ketzergerichte* (Leipzig, 1890), 47. The canons of the council of Verona and the Lateran council of 1215 which relate to heresy will be found in Fredericq, *Corpus*, I. Nos. 56, 68. For the development of the so-called official procedure on the part of the bishop, which was by no means limited to cases of heresy, the eighth canon of the Lateran council (*Corpus Juris Canonici*, ed. Friedberg, II. 745) is also important. Cf. Hinschius, *Kirchenrecht*, V. 349 ff.

was a significant growth in the number of appeals from bishops' sentences, and occasionally, in Languedoc, papal legates were sent out to supplement the local authorities, but no new organization was introduced, and the episcopal inquisition remained until the time of Gregory IX. the only regular machinery for the repression and punishment of heresy.

The practical workings of the episcopal inquisition were frequently tested in the later twelfth and earlier thirteenth centuries in northern France.¹ In the ecclesiastical province of Rheims, within whose borders were to be found the principal industrial and commercial centers of the north, a council met as early as 1157 to legislate against the Manichean weavers, "men of the lowest class who move frequently from place to place and change their names as they go,"² and within the next half century numerous adherents of this sect were condemned in this region, particularly in Flanders, whence heretics fled to Cologne and even as far as England.³ Archbishop Guillaume I., who was also cardinal legate, and Count Philip of Flanders particularly distinguished themselves in these persecutions, yet heretics appear again at Soissons in 1204, at Arras in 1208, and at Cambrai in 1217,⁴ while in 1230 it was found necessary to convene a council of the province in order to forbid the circulation of Romance versions of the Scriptures and condemn the Waldensian errors of the baker Echard.⁵ At Paris in 1210 the bishop took the initiative in the proceedings against the followers of Amauri de Bène, who were then examined and condemned by a provincial council, and burnt by authority of Philip Augustus.⁶ The same council pronounced against the doctrines of Amauri and others, a precedent which was followed some years later by a council of the same province,⁷ and early in the reign of St. Louis a Fran-

¹ Many of the instances cited below will be found, often narrated at greater length, in Schmidt, I. 86-94, 362-365; Havet, *Bibliothèque de l'École des Chartes*, XLI, 511 ff.; Lea, I., 130, 131, 307 ff.; Fredericq, *Geschiedenis*, I., 21 ff.

² Fredericq, *Corpus*, I. No. 34.

³ Fredericq, *Corpus*, I. Nos. 36-38, 40-44, 46, 48-55, II., 9, 10, 17; Ralph of Coggeshall, ed. Stevenson, 121 ff.; Frederichs, "De Kettervervolgingen van Philips van den Elzas," in the *Nederlandsch Museum* for 1890, 233-245. Frederichs places in 1160 the council at Oxford which condemned the Flemish heretics, evidently failing to observe the evidence on this point contained in the Assize of Clarendon.

⁴ H. F. XVIII., 713; Fredericq, *Corpus*, I., Nos. 64, 69.

⁵ Hauréau, in the *Journal des Savants* for August, 1889, and in his *Notices et Extraits de quelques Manuscrits*, VI. 240. See above, p. 442.

⁶ See in particular the *Chartularium Universitatis Parisiensis*, I. Nos. 11, 12; Caesar of Heisterbach, ed. Strange, I. 304 ff.; H. F. XVII. 83, XIX. 250; M. G. H. SS. XXVI. 275. References to the numerous modern discussions concerning the doctrines condemned in 1210 will be found in Mandonnet, *Siger de Brabant* (Freiburg, 1899), xxvii-xxxi.

⁷ Hefele-Knöpfel, V. 933; *Chartularium Universitatis Parisiensis*, I. No. 50.

ciscan who preached heresy at Paris was condemned by a papal legate.¹ No ecclesiastical authority is mentioned in the accounts of the heretics who were burnt at Troyes in 1200 and 1220² and at Orleans about the same time;³ those who appeared in 1206 in Brittany were reported by the parish priest directly to the Pope, who referred the matter to the archdeacon of St. Malo and two abbots.⁴ In the east, in the dioceses of Auxerre and Nevers and the adjoining portions of the dioceses of Langres and Autun, cases of heresy were of more frequent occurrence, and called for constant watchfulness on the part of the bishops. Appearing in this region first in 1167 at Vézelay, where several were condemned at the instance of the abbot of the monastery,⁵ the heretics soon spread their teachings in the neighboring lands of French Burgundy and the Nivernais, where they numbered among their converts knights and wealthy bourgeois as well as men and women of the lower classes and even brought suspicion, at Nevers, upon the abbot of St. Martin's, the dean, and one of the canons of the cathedral. The whole machinery of the episcopal inquisition was turned against them—the preaching of Foulques de Neuilly, the active efforts of the Archbishop of Sens and the bishops of the region, the authority of provincial councils, the aid of the secular arm⁶—and the zeal of Bishop Hugues of Auxerre gained for him the title of “hammer of heretics,”⁷ yet in spite of conversions and penances and sentences of death the infection remained.⁸ For a time it seemed as if some impression had been made upon the chief stronghold of the movement, the town of La Charité-sur-Loire, yet after the death of

¹ H. F. XVIII. 319, XXI. 598.

² M. G. H. SS. XXIII. 878; Caesar of Heisterbach, I. 307.

³ *Enquête* of the time of St. Louis concerning the king's justice at Orleans: Hugo de Fossatis iuratus dixit quod vidit in tempore Manasseri episcopi quendam hominem dampnatum pro incredulitate de quo dominus rex fecit iudicium secularem per ignem. Archives Nationales, JJ. 26 (the so-called “Register E of Philip Augustus”), f. 277. The bishop was probably Manasses de Seignelay, 1207–1221.

⁴ Potthast, 2941.

⁵ H. F. XII. 343, 345.

⁶ Hervé, Count of Nevers, who died in 1222, is called “hereticorum precipuus persecutor.” *Histoire Littéraire de la France*, XXXII. 530; Vincent de Beauvais, *Speculum Historiale* (Douai, 1624), IV. 1275.

⁷ See his biography in H. F. XVIII. 726, and Duru, *Bibliothèque Historique de l'Yonne*, I. 433; and cf. Robert d'Auxerre in H. F. XVIII. 273, or M. G. H. SS. XXVI. 270.

⁸ On the heretics of the Nivernais see the other passages in the chroniclers just cited (H. F. XVIII. 262, 264, 729; M. G. H. SS. XXVI. 258, 260); also H. F. XIX. 7; Potthast, 693, 745, 1124, 1577, 1678, 1909, 2131; and the bulls cited in the following notes. The *Cartulaire du prieuré de La Charité-sur-Loire* published by Lespinasse (Nevers, 1887) and the charters from La Charité in the Bibliothèque Nationale (MSS. Lat. n. a. 2274, 2275) do not appear to contain anything on the subject.

For cases in the diocese of Langres see Potthast, 4197, 4700; Auvray, 1078.

Bishop Hugues in 1206¹ the fugitives returned and many of the converts relapsed into their old ways, so that within two years the Pope was obliged to send the new bishop of Auxerre and the bishop of Troyes against them.² The new inquisitors did diligent service, among other things promulgating a set of statutes "to confound the abuses of heresy and strengthen the state of the faith,"³ and for several years nothing is heard from the scene of their labors. In 1231, however, Gregory IX. discovered that heresy had again lifted its head at La Charité, under the protection of certain nobles of the region, who were at open feud with the prior and temporal lord of the town,⁴ and this time the Archbishop of Bourges, who had some reputation as a successful persecutor, was commissioned to act with the bishop of the diocese.⁵ Traces of the activity of these inquisitors are found in various documents in the papal registers,⁶ yet in January 1233, the Pope found it necessary to arouse the local authorities to action against a knight of La Charité who had fallen under suspicion because of the heresy of his brothers and his supposed connection with the attacks of the Count of Nevers on the neighboring monasteries,⁷ and some weeks later he appealed to the French king on behalf of the prior in his valiant struggle to maintain the faith in the face of the hostility of neighboring lords.⁸ Near the end of February Gregory IX., notwithstanding his earlier laudations of the French church as the "unshaken foundation of the faith,"⁹ was obliged to confess that heresy was spreading "in a certain part of the circumference of the kingdom,"¹⁰ and in April of the same year, the reports of Friar Robert indicating an even worse state of affairs at La Charité than had been supposed, the papal inquisition was introduced into the north.

¹ For a case in this year see Potthast, 2787.

² Potthast, 3271.

³ Auvray, 637.

⁴ The prior of La Charité had possessed temporal jurisdiction over the town since 1174. Lespinasse, *Cartulaire*, 160.

⁵ Auvray, 637. The Archbishop died in 1232. Cf. his epitaph in Labbe, *Bibliotheca Nova Manuscriptorum* (II. 109), beginning, *Exuperans hereses*.

⁶ Sentence of exile and confiscation (Auvray, 997); canonical purgation of a citizen of Souvigny (Auvray, 2825; Potthast, 10044); acquittal of a woman of La Charité (Coll. Moreau, 1191, f. 25). The examination of a canon of Chablis by the bishops of Auxerre and Nevers and the abbot and dean of Vézelay (Auvray, 1078) belongs to the same period.

⁷ Auvray, 1044. The bishop's act of summons to the suspected knight, Colin Morand, is cited by Lebeuf, *Mémoires concernant l'Histoire Civile et Ecclesiastique d'Auxerre* (ed. Challe et Quantin), I. 411.

⁸ Bull of February 28, 1233, Auvray, 1145. Cf. *ib.*, 1144.

⁹ Bull of July 18, 1227, Auvray, 133.

¹⁰ Bull of February 27, 1233, Auvray, 1152.

In spite of repeated effort the episcopal inquisition had plainly failed to accomplish the suppression of heresy at La Charité, and while we cannot be sure that it was given an equally fair trial in Champagne and Flanders, it is clear from the numerous convictions secured by the first papal inquisitor sent to those regions that the bishops had had no greater success in the other infected areas of the north. That the indifference of the bishops and their absorption in secular affairs may have had some share in this result, it would be idle to deny. But when a man of the energy and persistence of Hugues de Noyers was unable to eradicate the new beliefs from his diocese, it would seem that we must, in part at least, look elsewhere for an explanation. For one thing the duties of the episcopal office were so manifold that no bishop could give more than intermittent attention to the investigation of heresy.¹ Then, if one bishop began a persecution, it was easy, in the absence of concerted action, to find at least temporary safety in another diocese,² while if heretical doctrine were entirely driven out of a district, it might immediately be reintroduced by some wanderer from Lombardy or Languedoc. The fact is that heresy had become more than a local problem and by the thirteenth century something more than local means was necessary if it was to be suppressed. The system of procedure, too, was slow and cumbrous, having been for the most part taken over from the practice in dealing with offenses where the rights of the accused were more carefully regarded, and satisfactory proof of heresy was particularly difficult to obtain by ordinary means, while the growing tendency to appeal to Rome or consult the Pope introduced a further element of delay. The disadvantages of the current procedure—and the evident desire of Innocent III. to do justice—are illustrated by the case of certain inhabitants of La Charité. Excommunicated as suspects by the bishop of Auxerre, they succeeded, in 1199, in maintaining their orthodoxy before the papal legate, Peter of Capua, who proclaimed their release from excommunication in a council at Dijon and assigned them a penance which evidently included pilgrimage to Rome. Some however were too old or too feeble to undertake this journey, and Innocent III. directed the bishops of Autun and Mâcon and the abbot of Cluny to pass upon their case and to protect from further molestation those who had satisfactorily performed the penance. The bishop

¹ On this point cf. Fredericq, *Corpus*, I. Nos. 75, 89.

² Gregory IX. says of the heretics of La Charité: Si quis vulpes incipiat prosequi, ut jurisdictionem ejus effugiant vel evitent, ad aliam se transferunt regionem. Bull *Gaudemus*, Fredericq, *Corpus*, I. No. 90. So in the time of Innocent III. residents of the diocese of Auxerre would declare that they belonged in the diocese of Bourges or that of Nevers. Potthast, 3271.

of Auxerre still continued his accusations, carrying the matter to two other sets of judges and finally bringing the Archbishop of Sens and certain of his suffragans to La Charité to conduct the examination. When the accused remained away on this occasion, as they had at the time of the bishop's previous visits to the town, and failed to appear at a hearing set for them at Auxerre, the Archbishop condemned them as heretics. The case was then carried to the Pope, who referred it to the Archbishop of Bourges, the bishop of Nevers and the abbot of Cluny, with instructions to publish the men in question as heretics and hand them over to the secular power unless they made public confession of their error and gave security for their future orthodoxy.¹ After some months the archbishop and abbot—the bishop of Nevers having died—reported their findings to the Pope, at the same time sending to Rome three of the accused whom the archbishop had adjudged orthodox, and in May, 1203, four years after the proceedings had begun, the Pope sent back the parties with instructions to the judges delegate to prescribe penance for them and continue the examination of the other cases.² This affair may have run on longer than was usual,³ but where such delays could occur, it is obvious that if the medieval view of the enormity of the crime of heresy and the absolute necessity of its extermination were to continue to prevail, some more effective agency for the purpose must be devised. What was evidently needed was a set of inquisitors who could give their whole time and energy to the detection and punishment of heresy, inquisitors able to act promptly and without regard to diocesan boundaries, locally powerful, yet independent of local control, the willing instruments of the papal policy, yet not hampered by the delay of frequent appeals to Rome—in short just such an institution as the popes ultimately organized in the Dominican inquisition.

We cannot too often remind ourselves that the papal inquisition “was not an institution definitely projected and founded, but was moulded step by step out of the materials which lay nearest to hand fitted for the object to be attained.” A pope who had the extermination of heresy very much at heart found the old methods ineffective; “the preaching friars were the readiest instrument within reach for the accomplishment of his object”; he tried them, and

¹ Bull *Accedentes* of May 12, 1202, Potthast, 1678.

² Bull *Qualiter* of May 21, 1203, Potthast, 1909.

³ An equally convincing illustration of the delays of the procedure under Innocent III. is afforded by the case of a certain canon of Langres and priest of Mussy who appears in the papal registers in 1211 and 1213. Potthast, 4197, 4700; Lea, I. 307. If this person is the same as the heretical priest of “Musciac” mentioned in a papal bull of 1233 (Auvray, 1044) he had great success in eluding the inquisition.

the success of the experiment "led to an extended and permanent organization."¹ The episcopal inquisition was not thereby abolished, indeed the Dominicans were instructed to act in conjunction with the bishops, and it was only considerably later that a new set of tribunals for the trial of heresy came into existence, with their own distinct organization and rules of procedure.² How this development came about and how it was related to the centralizing tendencies within the church, it is no part of our present purpose to examine; our only immediate interest is to observe the events which led up to the introduction of the Dominican inquisition into northern France. The first definite move toward the establishment of a distinctively papal inquisition was made in the territory of the empire, in June, 1227, when Gregory IX. commissioned the fanatical Conrad of Marburg to proceed against the heretics of Germany with the assistance of such associates as he might select,³ and placed the case of certain heretics of Florence in the hand of the local members of the Dominican order.⁴ It was not, however, until early in 1231 that Gregory IX. seriously took up the task of unifying and defining more sharply the ecclesiastical and secular legislation against heresy and compelling its general enforcement throughout Christendom.⁵ The immediate occasion which decided the Pope to action seems to have come then, as at other decisive moments in the history of the church, from the city of Rome. Returning after an absence of some months, Gregory found the city infested with a considerable body of heretics, and in order to facilitate the proceedings against them he had the various provisions of the canon law with reference to the punishment of heresy collected and consolidated, with some modifications, into the so-called "new statutes" of 1231, and at the same time gave his sanction to a series of constitutions drawn up by the senator and people of Rome which made the secular penalties against heresy more severe. In the course of the following summer copies of the new code were sent to the arch-

¹ Lea, I. 328.

² Cf. Hinschius, *Kirchenrecht*, V. 450. It is at the same time true, as Tanon points out (pp. 36, 291), that much of the exceptional character of the penalties and the procedure was in germ before the organization of the Dominican inquisition.

³ Potthast, 7931; Auvray, 109. Conrad had been engaged in the persecution of German heretics in 1224, in connection with the bishop of Hildesheim, and perhaps earlier. The most recent account of his remarkable career is that of Michael in his *Geschichte des deutschen Volkes* (Freiburg, 1899), II. 318 ff.

⁴ Lea, I. 326.

⁵ On the legislation of 1231 see Ficker, "Die gesetzliche Einführung der Todesstrafe für Ketzerei," in the *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung*, I. 177 ff., and Winkelmann, *Kaiser Friedrich II.* (Leipzig, 1897), II. 296 ff. The statutes of Gregory and the accompanying Roman legislation will be found in Fredericq, *Corpus*, I. Nos. 79, 80; Auvray, 539, 540.

bishops and bishops throughout the church with instructions to have the papal statutes read in public once a month and the secular constitutions transcribed into the local books of law. In November of the same year the execution of the new statutes at Friesach, in Carinthia, was entrusted to the Dominicans,¹ and early in 1232 the preaching friars engaged in the work of the inquisition were especially commended to the protection of the German princes by both Pope and Emperor.² In this year the Pope also recommends the employment of the Dominicans to the Archbishop of Tarragona,³ and Dominican inquisitors are found acting under papal commissions in Lombardy⁴ and Burgundy.⁵ In France, while some inquisitorial authority had previously been exercised in the south by members of the order,⁶ the definite establishment of the Dominican inquisition dates from April, 1233, when Gregory IX. informed the French bishops that in view of their overwhelming cares and anxieties he had decided to reduce their burdens by sending the preaching friars against the heretics of the kingdom,⁷ and, at the same time that he ordered the Dominican provincial prior to designate preachers against heresy in Provence,⁸ he commissioned Friar Robert and his fellow inquisitors at Besançon to proceed against the heretics of La Charité.⁹

Concerning the early life of the Dominican friar whom Gregory IX. selected as the first papal inquisitor in northern France, our only knowledge is derived from the incidental statements of those who treat of his later career. That he had once been a heretic (*bougre*) is clear from the name, Robert le Bougre, by which he was generally known, and is confirmed by the general agreement of the chroniclers; but beyond this point the accounts are somewhat con-

¹ Winkelmann, *Acta Imperii Inedita*, I. 499, where similar documents of the following year for Mainz and Strassburg are cited.

² Potthast, 8859, 8866; M. G. H. *Constitutiones et Acta Publica*, II. 197; (cf. also on p. 194, the constitution of Frederick II., of February 22, 1232, which brings his earlier legislation against heresy into line with the papal policy).

³ Potthast, 8932.

⁴ Potthast, 9041.

⁵ The bull appointing inquisitors in Burgundy is lost, but its contents are known from a citation in the bull *Gaudemus* of April 19, 1233, and it evidently belongs to 1232. Potthast, 9152; see below.

⁶ Potthast, 9153.

⁷ Bull of April 20, 1233, copied in the Collection Doat (XXXI. 21) of the Bibliothèque Nationale from the Archives of the Inquisition at Carcassonne. Part of it, with date of April 13, was published by Percin, *Monumenta Conventus Tolosani*, III. 92, whence it is reproduced by Fredericq, *Corpus*, I. No. 89 (Potthast, 9143; not in Auvray).

⁸ Potthast, 9155.

⁹ Bull *Gaudemus*, of April 19, 1233. Auvray, 1253; Potthast, 9152; Fredericq, *Corpus*, I. No. 90.

flicting,¹ and it is not certain how much of these stories is fact and how much is the product of ætiological imagination playing about his name. His real name, it has recently been discovered, was Robert le Petit,² so that he would seem to have been a Frenchman, but we know nothing of the time or place of his birth. A work attributed to Matthew Paris makes him the son of a heretic,³ but according to Albericus he left the orthodox faith about the time of the Lateran council of 1215 and followed a Manichean woman to Milan, then famous as one of the principal breeding-grounds of false doctrine. He is said to have remained a member of this sect⁴ for

¹ Most of the contemporary chroniclers treat only of particular episodes in Friar Robert's history. Those of special importance as general authorities for his career are:

Matthew Paris, in his *Chronica Majora* (edited by Luard in the *Rolls Series*, III. 361, 520; V. 247. Ed. Liebermann in the *Monumenta Germaniae Historica, Scriptores*, XXVIII. 133, 146, 326); his *Historia Anglorum* (edited by Madden in the *Rolls Series*, II. 388, 415; and by Liebermann, M. G. H. SS. XXVIII, 411); and the *Abbreuiatio Chronicorum Anglie*, attributed to him (edited by Madden as part of the *Historia Anglorum*, III. 278; and by Liebermann, M. G. H. SS. XXVIII. 448). Liebermann's edition is preferable; Frederichs missed important passages by relying upon the edition of 1640.

Albericus Trium Fontium, ed. Scheffer-Boichorst, M. G. H. SS. XXIII. 936, 937, 940, 945, also in H. F. XXI. 614, 615, 618, 623. On the composition of this work see Scheffer's masterly introduction to his edition. Albericus was a monk of Trois-Fontaines, in the diocese of Châlons-sur-Marne, and had special opportunities of knowledge regarding Robert's doings in Champagne; some portions of the chronicle in its present form were added by a monk of Huy.

Philippe Mousket, *Chronique Rimée*, verses 28871-29025. Best edited, but with important omissions, by Tobler in M. G. H. SS. XXVI. 804-806: also ed. De Reiffenberg (Brussels, 1836-1838); H. F., XXII. 55-56; Fredericqs, *Corpus*, II. No. 23. Mousket lived at Tournai, where he is mentioned in certain leases of the years 1236 or 1237. On his life and family see DuMortier in the *Compte-Rendu de la Commission Royale d'Histoire de Belgique* (1845), IX. 112-145; and Pirenne in the *Biographie Nationale*, XV. 329.

With these we may for convenience mention a less trustworthy writer who characterizes Robert briefly, Richer de Senones. His *Chronicon* has been edited by Waitz, M. G. H. SS. XXV. 307; this passage is omitted in the older edition of D'Achery.

² Quondam frater Robertus dictus Lepetit. Bull *Constitutus* of Urban IV., October 29, 1263, published from the papal registers by Chapotin, *Histoire des Dominicains de la Province de France*, 224.

³ *Historia Anglorum*, III. 278; M. G. H. SS. XXVIII. 448. Richer says that as inquisitor he condemned his father and mother to death. M. G. H. SS. XXV. 308.

Finke, in the *Historisches Jahrbuch*, XIV. 335, points out that in the case of Robert it would have been better if the Pope had followed the latter rule of appointing as inquisitors only those of orthodox family and unblemished orthodoxy.

⁴ Circa tempus magni concilii apostatavit, secutusque mulierculam manicheam Mediolanum abiit, et factus est de secta illa pessima per annos 20, ita quod inter eos fuit perfectissimus. Albericus, M. G. H. SS. XXIII. 940. Mousket, vv. 28873-28876:

Et dist quil ot mes a Melans,
Et si eut este par dis ans
En la loi de mescreandise
Pour conoistre et aus et lor guise.

The passage of Albericus is perfectly plain, but Chapotin (*Histoire des Dominicains*, 216, note) makes it say that Robert was a Dominican before his apostasy, and then became a Waldensian.

several years—the chroniclers give the round numbers ten and twenty—and to have risen to the rank of “apostle” among them. Certain it is that he acquired in his earlier years a familiarity with heretics and their ways which, combined with his fiery zeal and ambition, made him particularly terrible as an inquisitor and gained for him the name of the Hammer of Heretics.¹ He was supposed to be able to tell unbelievers by their speech and gestures alone,² and Gregory IX. declared that God had given him “such special grace that every hunter feared his horn.”³ It would also seem that he had acquired something of the learning of his day, for Matthew Paris declares him well educated and a ready and effective preacher,⁴ and Richer calls him *magister* and speaks of his learning and eloquence.⁵ Of the personal character of Friar Robert we have only unfriendly judgments, formed after his fall. Matthew Paris, certainly no admirer of the Mendicant Orders at their best,⁶ finds him false and corrupt, a deceiver and seducer of men worthy of being compared to the leader of the Pastoureaux—a man whose crimes it were better not to mention and who was “turned aside like a deceitful bow” at the last.⁷ He was a man who seemed to have much religion but had it not, says Albericus.⁸ To Richer he was the incarnation of hypocrisy, a wolf in sheep’s clothing, wholly given over to uncleanness and the glory of this world, who did not hesitate to avail himself of magic arts in order to bend people to his will.⁹

The first definite point in Friar Robert’s biography appears in or about the year 1232, when we find him, already a member of the order of preaching friars, appointed on a commission with the Dominican prior at Besançon and a certain Friar William, or Walter, to investigate heresy in Burgundy.¹⁰ It is no longer possible,

¹ Matthew Paris, *Chronica Majora*, III. 361, 520; M. G. H. SS. XXVIII. 133, 147.

² Per solam loquelam et per solos gestus, quos habent heretici, deprehendebat eos. Albericus, M. G. H. SS. XXIII. 940.

³ Bull *Quo inter ceteras* of August 22, 1235. Auvray, 2737; Potthast, 9994; Fredericq, *Corpus*, II. No. 28.

⁴ Vir quidem competenter literatus et in officio predicationis efficax et expeditus, *Chronica Majora*, III. 520; M. G. H. SS. XXVIII. 146.

⁵ Vir doctissimus et eloquio clarus . . . qui tantam habuit gratiam ut nullus ei tunc secundus haberetur. M. G. H. SS. XXV. 307.

⁶ Cf. Plehn, *Der politische Charakter von Mathews Parisiensis*, 45 (in Schmoller’s *Forschungen*, XIV. 3).

⁷ *Chronica Majora*, III. §20, V. 247; *Historia Anglorum*, II. 388; M. G. H. SS. XXVIII. 147, 326, 411.

⁸ M. G. H. SS. XXIII. 940.

⁹ M. G. H. SS. XXV. 307. One is tempted to see an allusion to our inquisitor in the “Frere Robert” whom Rutebeuf mentions together with five other friars in one of his satires on the hypocrisy of the Mendicants (ed. Jubinal, 1874, I. 246; ed. Kressner, 72); but I agree with Jubinal that the names are probably fanciful.

¹⁰ The bull is lost but is known to us from a citation in the bull *Gaudemus* of April

with the materials at our command, to follow the course of the inquisition in Franche-Comté.¹ This portion of the empire never became notorious as a center of heretical activity, and while his authority under the papal bull was limited to the Burgundian lands, we are not surprised to find Friar Robert, early in 1233, seeking a more promising field of labor over the French frontier at La Charité. Acting here as the representative of his official superior at Besançon, Robert began to preach the true faith with such success, so he reported to the Pope, that many of the erring came to him of their own will, presenting themselves for punishment with chains about their necks and offering to give evidence against their associates and even against members of their own families. He found the town a foul nest of unbelief, even fouler than was generally supposed, and discovered that its inhabitants had scattered their dire poison through the whole of northern France, particularly in the neighboring provinces and in Flanders; and he adds, what was undoubtedly one of the serious difficulties in any merely local attempt to suppress heresy, that when pursued the heretics fled to another jurisdiction.²

La Charité not being within the limits of his commission, Robert was obliged to confine his efforts to preaching, and his report to the Pope was evidently made with a view to having his jurisdiction as inquisitor extended to France. Gregory IX. was not averse to more vigorous measures, and in a bull of April 19, 1233, he ordered Robert and his fellow inquisitors of Burgundy to undertake, with the advice of the bishops and in accordance with their previous

19, 1233: Cum enim nos dudum dilectis filiis . . . priori Bisuntino et fratri Willelmo (Ripoll has Wallerio), de ordine fratrum predicatorum, ac tibi nostris dedissemus litteris in mandatis, quod in Burgundia super crimine prenotato sub certa forma cum ipsis perquireret diligenti sollicitudine veritatem (Auvray, 1253; Potthast, 9152; Fredericq, *Corpus*, I. No. 90). This appointment of inquisitors for Burgundy is evidently subsequent to the decrees of February, 1231, and probably belongs to 1232. The name of the prior at Besançon is not given in the bull; in an act of April, 1233, he appears as "frater W. prior ordinis predicatorum Bisuntinensium" (Bibliothèque Nationale, Coll. Moreau, 863, f. 539 v.)

¹Cf. Lea, II. 119. There are two bulls on this subject from the year 1233, one of May 27 to the suffragans of the Archbishop of Besançon (published by Lea, I. 567, from the Collection Doat, where it is classified under Gregory X.) repeating the instructions recently given to the German prelates for the imprisonment of relapsed heretics (Rodenberg, *Epistolae*, I. No. 514), the other of June 17 answering certain questions of the Dominicans of Besançon (Auvray 1416; Potthast, 9235). I have looked in vain for documents at Besançon, where the Dominicans had been established since 1224 (Richard, *Histoire des Diocèses de Besançon et de Saint-Claude*, I. 473; Chapotin, *Histoire des Dominicains de la Province de France*, 53).

²Our knowledge of Robert's experiences at La Charité rests upon his own statement as reproduced in the bull *Gaudemus* of April 19, 1233 (Auvray, 1253; Potthast, 9152; Fredericq, *Corpus*, I. No. 90). Doubtless he informed the Pope promptly of his labors there, so that they must have fallen in the early months of 1233. The *Circa mundi vespere* of February 28 (Auvray, 1145) mentions the efforts of the prior of La Charité, but says nothing of Robert.

instructions, "the extirpation of heresy from the aforesaid town and the adjoining regions," invoking if necessary the aid of the secular arm. They were empowered to proceed against harborers of heretics in accordance with the statutes of 1231, and were cautioned against feigned conversions.¹ Having written to the same effect to the provincial prior of the Dominicans in France,² the Pope informed the archbishops and bishops of that kingdom that he had decided to send the friars preachers against the heretics of France and adjacent provinces and would expect the clergy to render them all necessary assistance.³

By these bulls the papal inquisition was regularly set to work in northern France, and the fires of orthodoxy soon began to blaze at La Charité.⁴ We do not know how many were put to death at this time, but that Friar Robert went aggressively to work is evident from the reaction which followed and also from such appeals from his sentences as have come down to us.⁵ One of these may serve to illustrate his methods. A certain Pierre Vogrin, of Souvigny, in the diocese of Clermont, who had been at La Charité at the time of the episcopal inquisition of 1231 and 1232, had cleared himself before the inquisitors by the canonical purgation. Accused again by certain of his enemies, he had satisfied the bishop of Clermont and other prelates of his innocence. A third summons came to him from Friar Robert after his appointment and when Pierre appeared before them and agreed to submit to their jurisdiction, the friar and the bishop of Clermont promised him that he would not be compelled to appear before either of them separately and that the legal procedure would be observed. Notwithstanding this, Robert, without waiting for his colleague, cited to him a dangerous place before the appointed time, publicly threatening to take him and bringing an armed band to the spot, whereupon Pierre prudently staid away and took an appeal to the Pope, sending his nephew to represent him and notify Robert of his appeal. The inquisitor then excommunicated the nephew and suspended him from his benefice—he was a priest—until he should renounce his uncle's defense. Peter then started for Rome, but in spite of his appeal was excommunicated by Robert and a certain Franciscan whom he had pressed into service in place of the bishop of Clermont.⁵

¹ Bull *Gaudemus*, as above.

² This bull has been lost but is referred to in the bull *Quo inter ceteras*, of August 22, 1235 (Auvray, 2737; Potthast, 9994; Fredericq, *Corpus*, II. No. 28).

³ Fredericq, *Corpus* I. No. 89; Potthast, 9143.

⁴ Mousket, vv. 28877 ff.

⁵ Bull of November 8, 1235, to the bishop of Nevers, the Dominican provincial prior, and the archdeacon of Paris, published by Sbaralea in his *Bullarium Franciscanum*, I. 177, and by Auvray, 2825 (Potthast, 10044).

Such open disregard of a bishop and contempt for the findings of predecessors would naturally irritate the higher clergy, already jealous of the growing privileges and influence of the Mendicant Orders. It appears further that Robert did not limit his efforts to the region of La Charité. We find him also in company with another friar, Jacques, on the lands of the Count of Champagne, where he is engaged in a conflict of jurisdiction with the chapter of St. Quiriace of Provins over a certain Gile, nicknamed "the abess,"¹ whom he had put in prison as a heretic. They style themselves "judges delegated by the Pope against heretics in the kingdom of France,"² and it is evident from what followed that victims were sought in still other dioceses less notorious than that of Auxerre as centers of heresy. "Pernicious activity" of this sort was a direct reflection on the zeal and efficiency of the French bishops, and it is not strange that some of them soon protested to the Pope, declaring that there were no heretics in their dioceses. The documents are lost, but their general tenor is clear from some pointed allusions in later letters of the Pope.³ These objections must have been urged

¹ On Gile "the abess," compare Albericus, M. G. H. SS. XXIII. 945.

² Frater Robertus iudex contra hereticos mandat regi ut deliberet decano et capitulo Sancti Quiriaci Gilam abbatissam suam, ut dicunt, si ita est.

Nobili viro Theobaldo comiti Campanie et Brie fratres Robertus et Jacobus de ordine Predicatorum, iudices a domino papa contra hereticos in regno Francie delegati, salutem in Domino. Quoniam ex precepto nostro Gilam dictam abbatissam detinetis in carcere, quam venerabiles viri decanus et capitulum Sancti Quiriaci de Pruvino suam asserunt esse mulierem, auctoritate (MS. actum) nobis commissa vobis mandamus quatinus, si est ita sicut dicunt, eam absque contradictione aliqua tradatis eisdem ad custodiendum, et custodes a rebus et domibus dicte G. removeatis, si forte aliquos posuistis.

Datum anno Domini M^oCC^oXXX^oIII^o, die martis ante cathedram sancti Petri [February 21, 1234.] Bibliothèque Nationale, MS. Lat. 5993 A (Cartulary of Champagne known as *Liber Pontificum*), f. 412. Cf. Bourquelot, *Histoire de Provins*, I. 182. There is an incorrect analysis in D'Arbois de Jubainville, *Catalogue des actes des Comtes de Champagne*, No. 2293 (*Histoire des Comtes de Champagne*, V. 332). This is the only document issued by Friar Robert that I have found.

Cf. also the following document relating to the same subject:

Item compromiserunt in bonos super immuratione Gile abbatisse et magna iusticia hominum ecclesie sue.

Omnibus presentes litteras inspecturis Gaufridus decanus totumque capitulum ecclesie Beati Quiriaci Pruviniensis, salutem in Domino. Noverit universitas vestra quod cum illustris dominus Th., Dei gratia rex Navarre et comes Campanie et Brie palatinus, moveret contra nos questionem super inmur [mur] atione Gile dicte abbatisse et rebus eiusdem et super magna iusticia hominum nostrorum de Pruvino pro sceleribus suis ad mutilationem membrorum vel ad mur [mur] ationem vel ad mortem dampnandorum et super rebus eorum, tandem in venerabiles viros dominum Petrum de Janicuria et dominum Ansellum de Cremonia compromittimus, ratum et firmum habituri quidquid super predictis dicti arbitri pace vel iudicio duxerint statuendum. Datum anno Domini M^oCC^o trecesimo quarto, mense Januario [1235]. MS. Lat. 5993 A, f. 436; analysis in D'Arbois, *Catalogue*, No. 2319.

³ Bulls *Dudum* and *Quo inter ceteras* of August, 1235 (Auvray, 2735, 2736, 2737; Potthast, 9993, 9994, 9995).

with considerable force, for in February, 1234, the Pope, declaring in the midst of an extraordinary mixture of metaphors that he had never intended to authorize their proceedings in regions that were free from taint of heresy, ordered the Dominicans to suspend their functions as inquisitors entirely, except where the archbishop and his suffragans called them in, a course which he warmly recommended to the several archbishops.¹

Accordingly, early in 1234, Robert was obliged to cease his pursuit of heretics. People whom he had imprisoned were still maintained at public expense,² but there is no evidence that any bishop followed the Pope's advice to the extent of employing the terrible inquisitor.³ How the friar occupied himself during this enforced vacation, it is impossible to say. We know that early in 1234 a royal messenger was sent to him "for the bailli of Bourges,"⁴ and that in November of the same year Gregory IX. addressed him at Paris. Evidently Robert remained in full favor with the Pope and with St. Louis, for the Pope appealed to him to use his influence to

¹ Bull *Olim intellecto* to the prior provincial of the Dominicans, February 15, 1234 (Auvray, 1764—limited in this form to the province of Sens). The same, February 4, 1234, to the Archbishop of Sens and his suffragans (Auvray, 1763; Potthast, 9388). The same, February 4, 1234, to the Archbishop of Rheims and his suffragans (Potthast, 9386; Fredericq, *Corpus*, I. No. 93; not in Auvray). The same, without date, to the dean and chapter of Bourges—the see was vacant—and the bishops of the province, in the cartulary of the chapter of Bourges (Bibliothèque Nationale, MS. Lat. n. a. 1274), p. 42. This copy, which is headed "De revocatione jurisdictionis fratris Roberti," differs from the other bulls in revoking the authority of Robert alone, not of the Dominican inquisitors generally. The explanation would seem to be that while the diocese of Bourges itself was in the north, adjoining that of Auxerre, the other dioceses of the province were in the south, where the Dominicans were working under different commissions. The copy in the cartulary breaks off about the middle, just before the word "oculis." On the authorship of this cartulary see Delisle, in the *Bibliothèque de l'École des Chartes*, LX. 7-44.

² At St. Pierre-le-Moutier, not far from La Charité. Prévôt's account, Ascension term, 1234, in H. F. XXII. 570 J. From the documents published above it appears that Gile "the abbes" was likewise in prison at this time. Heretics are also mentioned in the royal accounts of All Saints' term, 1234 (Sens), and Candlemas term, 1235 (Paris), in the *Bibliothèque de l'École des Chartes*, XXVIII. 621 (Cf. Tillemont, *Histoire de St. Louis*, II. 292); and in the account of the king's household, Ascension term, 1234, in H. F. XXI. 227 F, 237 B. DuCange, under "Bulgari," interprets the words "bougri" and "bogrri" in such passages as meaning usurers. It is often difficult to determine in a given case whether the word refers to heresy, usury or unnatural vice; one of these crimes was frequently supposed to involve the others.

³ Albericus, M. G. H. SS. XXIII. 936, speaks of Robert's activity as inquisitor "throughout France" in 1234. But this is very doubtful, unless it applies to the beginning of the year. Chronological exactness is not always the strong point of this chronicler.

⁴ "Simon de Sancto Germano, ad fratrem Robertum, pro baillivo Bithuricensi, xx. s." Account of the King's household, Ascension term, 1234, H. F. XXI. 233 E. The date of the entry is March 24 or thereabouts, but there is no indication when the service was performed or just what its purpose was. The King had been at Bourges late in February and perhaps into March (H. F. XXII. xxxv).

secure peace between the kings of France and England,¹ and wrote to him on behalf of Florentine merchants who had been accused of heresy;² and in the following year he was restored to more active service.

CHARLES H. HASKINS.

¹ Bull of November 6, Auvray, 2185.

² Bull *Accurri* of November 23, "priori et fratri Roberto de ordine Predicatorum Parisiensibus," Auvray, 2221 (Potthast, 9772, following Ripoll, has "fratri Raynerio"). There is also a bull of November 20, 1234 ("Relatum est auribus") relating to Florentine merchants which is addressed "Fratri R." in the text of Ripoll (*Bullarium Ordinis Praedicatorum*, I. 71, No. 115; Potthast, 9766) and Auvray (No. 2216), but reads "Fratri Roberto ordinis Predicatorum Parisius" in the *Analecta Ordinis Fratrum Praedicatorum*, IV. 383.

STUDIES IN THE SOURCES OF THE SOCIAL REVOLT IN 1381

V-VI.

V. THE DEATH OF TYLER.

AN investigation of the tragedy at Smithfield should begin with a few words on the remarkable man about whose death the action centers. For although he has received some attention from modern historians,¹ no one has yet attempted to put together what we may actually know of him from all available contemporary sources. Nor can the special investigator find excuse in the fact that this testimony is very meager in character, and was written by men inflamed by hostility towards the revolt and its leader.

As in the case of Jack Cade in 1450, we are at the outset confronted by the question whether there were one or two chief rebel leaders by the name of Wat Tyler in 1381. No less an authority than the late Bishop of Oxford was of the opinion that among the several leaders by the name of Tyler in 1381, there were two Walters. He identifies Walter Tyler of Maidstone mentioned by Stowe, with one called a Kentishman in the act of attainder of 1381, and considers him a different individual from Walter Tyler, of Essex, who figures in the jury indictments.² But this act of attainder merely mentions Tyler as captain of Kent, and not as a Kentishman.³ Furthermore, it is evident from the *Anonymous*

¹ Among modern authorities Tyler has met with very unfavorable treatment at the hands of Pauli and Bergenroth (*Geschichte von England*, IV. 531; *Hist. Zeitschrift*, II. 75), and especially by Réville (*Soulèvement*, II. 54); Rogers is much more favorable (*Agriculture and Prices*, I. 94; *Work and Wages*, 262). Maurice exaggerates his importance, and places him and Ball with Langton as the great popular leaders of the Middle Ages (*Tyler, Ball and Oldcastle*, 25). The best modern estimates are those of Petit-Dutaillis, in Réville, *Soulèvement*, LXXVIII., and Tait, *Dict. Nat. Biog.*, sub "Tyler."

² *Const. Hist.* (4th ed.), II. 478. William Tegheler of Stonestreet (*Arch. Cant.*, III. 93) and Simon Tyler of Cripplegate (*Rot. Parl.*, III. 112) are leaders or culprits of local importance not otherwise mentioned. The pretty story about John, the tiler of Dartford, whose Roman revenge on the tax-collector for the outrage on his daughter caused the rebellion there, may have some foundation of truth; but in Stowe's own narrative, this is not the Kentish leader (*Stowe, Annales*, 284).

³ *Rot. Parl.* III. 175: "Quex malfesours en les dites countes ascunes de eux lour furent capitaines principales, chevyntheynes . . . come Wauter Tylere del countes de Kent, Jakke Strawe en Essex, John Hanchach en le counte de Cantebr'; Robert Phippe en le countee de Hountyngdon."

French Chronicle, from which Stowe drew his information, that the Maidstone band, of which Tyler was captain, committed the very acts of rebellion in Canterbury and in Kent for which Tegheler of Essex was indicted as leader by the Kentish juries.¹ This was the same individual who acted as spokesman of the insurgents at Blackheath,² and who figured as their chief captain and spokesman at Mile End and Smithfield.

Because the continuation of Knighton tells us that at Smithfield Tyler's name was changed to that of "Jakke Strawe," Mr. Trevelyan believes that his identity is much in doubt, and inclines to Stubbs's opinion.³ But this continuation was written at Leicester, and the writer was ill informed on London events.⁴ All chroniclers who wrote nearer London, or were well informed, and the official city record of the revolt, call the Smithfield leader Walter Tyler.⁵ Besides this there is an abundance of testimony to show that Strawe was captain of Essex as Tyler was of Kent.⁶ A mistake of confounding the two chief leaders of the insurgents is easily explained.

The identity of Tyler is established beyond a doubt by the Kentish jury indictments. The jurymen of Maidstone, where he was elected captain, would certainly have known whether he was their fellow-townsmen, and they distinctly inform us that he was from Colchester.⁷ This statement finds confirmation in two other indictments taken at the same time by men of the country through which he passed, viz.: those of Faversham and Downhamford, which tell us that he was an Essex man.⁸ Our chain of evidence is completed by the statement of a reliable contemporary chronicler to the effect that a tiler of Essex was spokesman of the insurgents at Blackheath.⁹ It is interesting to know, as well as confirmatory of the above conclusion, that John Ball, prophet and chief organizer of the revolt, was likewise of Colchester, from which, as I hope to show at some future time, the revolt was originally fostered and organized.

It has been generally assumed by modern authorities that Wat

¹ *An. Fr. Chr.*, 512, 518.

² *Contin. Eulog.*, 352.

³ *England in the age of Wycliffe*, 367; Knighton, II. 137. The same mistake is made by John Malverne (Higden's *Polychronicon*, IX. 5), who wrote at Worcester after 1394, and in a contemporary poem on the Revolt (Wright, *Pal. Poems and Songs*, I. 136) and in *A Fifteenth Century London Chronicle* (Ed. Tyrrel, 74).

⁴ Below, 467.

⁵ For example, *An. Fr. Chr.*, 518-520; Mon. Evesham, 29; Walsingham, *Hist. Angl.* I. 463-465; Riley *Memorials*, 451.

⁶ The act of attainder just cited; *Hist. Angl.* II. 9; Froissart, IX. 390.

⁷ Powell and Trevelyan, *Peasants' Rising and the Lollards*, 9.

⁸ *Arch. Cant.*, III. 92-93.

⁹ *Contin. Eul.*, 352.

was a tiler by trade, and he is indeed so called by two contemporary chroniclers.¹ This assumption, however, has probably been drawn from his name by both contemporary and modern authorities. But in the latter part of the fourteenth century a man's name did not usually furnish a clue to his occupation. Chaucer, for example, was no shoemaker,² and an examination of the poll-tax rolls of 1381 will show that the same is true for the peasantry there enumerated.³ To judge from the character of the revolt, and from Tyler's behavior at Smithfield, it indeed seems likely that, like the men he led, he was a peasant.

Of his previous life we know practically nothing. Froissart's characteristic anecdote of his revenge on Richard Lyons has found some acceptance. During the French war Tyler had been page to this London merchant, who had on one occasion beaten him; this Tyler never forgave, but as soon as he obtained control of London beheaded his old master. From our previous experience with Froissart we may assume that this is probably a mere rumor used to find a motive for Lyons's death, which was in reality occasioned by quite another cause.⁴ We likewise know very little of Tyler's character. Walsingham and Froissart, the only chroniclers who dilate on this point, are agreed in considering him a villain and an impudent rogue. As their testimony is confined to bad names and denunciations, it requires no refutation in detail.⁵ Neither does that of John Gower's allegorical poem, *Vox Clamantis*, in which Tyler is likened to a jay, and called a chief of hell, a demon among a legion of devils.⁶ Nor can we infer that he was a boasting demagogue, drunk with his glittering fortune, and having lost every notion of reality,⁷ from the fact that he cracked a joke in his command to the abbot of St. Alban's to do justice to the townsmen. His reputed insolence at Smithfield seems, in our best informed source, to have been rather the lack of manners than anything else.⁸

Whatever his character, there can hardly be question as to the ability of Tyler. Gower's statement as to the eloquence of the jay "*edoctus in arte loquendi*," finds confirmation in the continuation of

¹ *Contin. Eul.*, as above; Walsingham, *Hist. Angl.*, I. 463.

² The value of the illustration is not affected by the question whether we shall retain the old etymology of Chaucer or adopt the new one suggested in the *Athenaeum*, Jan.-June, 1899, pp. 145, 210, 242, 274, 338, 435, 468.

³ In the Suffolk roll, for example, very few of the peasantry have names indicative of their trade. Powell, *East Anglia Rising*, 67-119.

⁴ *Chroniques*, IX. 400-401. He had been convicted of various frauds by the good Parliament, but was spared by royal favor. Trevelyan, *Age of Wycliffe*, 10, 11, 24.

⁵ *Hist. Angl.*, I. 463-464; *Chroniques*, IX. 410, 412.

⁶ *Vox Clamantis* (ed. H. O. Coxe, London, 1850), 46.

⁷ *Soulèvement*, II.

⁸ *An. Fr. Chr.*, 518-519.

the *Eulogium*, which tells us that he was very eloquent.¹ To this eloquence his ascendancy over the insurgents was no doubt partly due. For on the most important occasions—at Blackheath, Mile End and Smithfield—he acted as their spokesman. That he enjoyed their confidence and respect is evident from the testimony of Walsingham to the effect that he was the idol of the peasants, who thought that there would never be a greater in the kingdom than he, nor would laws of the land proceeding from any other source be valid.² The same chronicler, who is bitterest of all against him, grudgingly acknowledges his ability, in that he tells us that he was a shrewd man, endowed with great intelligence,³ if only it had been applied to right purposes. This estimate is confirmed by what we can ascertain of his leadership of the revolt. From Maidstone, where he was elected captain, to Smithfield, where he fell a victim to the peasants' cause, Tyler seems to have been the chief director of the movement. It was he who carried on the negotiations with the Bishop of Rochester at Blackheath, who presented the demands of the insurgents at Mile End, and also their last requirements at Smithfield.⁴ The levies of the shires about London were summoned in his name and, when the townsmen of St. Alban's wished to proceed against their abbot, they first obtained his permission and advice, swearing to obey his instructions.⁵ A strong proof of his importance as a leader is the complete collapse of the revolt after his death at Smithfield.

It required ability above the common thus to lead a great and motley rebellion; to curb the populace and at the same time keep in harmony with the other leaders, some of whom, like John Ball and Jack Straw, captain of Essex, probably had followings as strong as his own; to keep to the last about him the most formidable elements of the insurrection in support of demands which, as will soon appear, were far too radical for the times.

The following is the traditional idea of the events at Smithfield, which resulted in the death of Tyler, as given in the picturesque account of Green:⁶

"Many of the Kentishmen dispersed at the news of the king's pledge to the men of Essex, but a body of thirty thousand still surrounded

¹ *Ibid.*, 252: "Unus tegulator de Essex qui valde eloquens fuerat."

² *Hist. Angl.*, I. 468: "Idolum rusticorum . . . nunquam putaverunt majorum in regno futurum, nec leges terrae de caetero valituras."

³ "Vir virsutus et magno sensu praeditus, si ingenium decrevisset bonis usibus adaptasse."

⁴ *Contin. Eulog.*, 252; *An. Fr. Chr.*, 517, 519.

⁵ Walsingham, *Hist. Angl.*, I. 469.

⁶ *Hist. Engl. People*, I. 478-479.

Wat Tyler when Richard on the morning of the fifteenth encountered that leader by a mere chance at Smithfield. Hot words passed between his train and the peasant chieftain who advanced to confer with the king, and a threat from Tyler brought on a brief struggle in which the mayor of London, William Walworth, struck him with his dagger to the ground. 'Kill! kill!' shouted the crowd, 'they have slain our captain!' But Richard faced the Kentishmen with the same cool courage with which he faced the men of Essex. 'What need ye, my masters!' cried the boy-king as he rode boldly up to the front of the bowmen. 'I am your captain and your king; follow me!' The hopes of the peasants centered in the young sovereign; one aim of their rising had been to free him from the evil counsellors who, as they believed, abused his youth, and at his word they followed him with a touching loyalty and trust till he entered the Tower. His mother welcomed him within its walls with tears of joy. 'Rejoice and praise God,' Richard answered, 'for I have recovered to-day my heritage which was lost and the realm of England!'

In reality, the events were quite different. The meeting was not an accident, but a prearranged affair in which the King was to acquiesce in demands in addition to those granted on the previous day at Mile End. The insurgents were first on the field, and when the royal train arrived on the opposite side, Walworth was sent to conduct Tyler into the King's presence. Tyler complied and rode across the extensive field. Dismounting, he knelt before the King and assured him, in crude fashion, of the loyalty of the commons. At Richard's request he presented their demands, which required, in addition to the Mile End articles, some further safeguards against the statute of laborers, apportionment of the forest, free hunting and fishing, and a radical reformation of the church in the interests of the commons. The King accepted these demands, and promised to embody them in a charter. Tyler then refreshed himself with a tankard of beer and mounted his horse to return to his men. During these negotiations the King's followers had surrounded Tyler in a manner which prevented him from being seen across the broad field by his own men. One of their number, a young Kentish nobleman, having obtained the King's permission, deliberately and repeatedly insulted Tyler, evidently with the intention of provoking him into some act which would give a pretext for his arrest. This was accomplished when Tyler at length drew his dagger, and, while resisting arrest at the mayor's hands, he was struck down by the mayor of London and the royal retinue. The insurgents on the other side of the field had not seen what actually occurred, and were told that their leader was being knighted. But when they saw a horse dash from the crowd, and the rider, who was actually their leader, fall to the earth, they become suspicious and began to draw their bows. Then the young King bravely rode across the field

and commanded them to meet him at St. John's Field. They were told that the new knight, their leader, would meet them there. So they marched to St. John's Field, but not with the King at their head, for he went there by another route. Meanwhile the mayor had ridden back to London and called out the military levy of the city, which had been waiting in readiness. Commanded by the aldermen they issued from the different gates and surrounded the insurgents, and when the mayor appeared bearing Tyler's head on the point of a lance, the insurgents were panic-stricken and glad enough to return home with the achievement of the articles of Mile End. The death of Tyler, however, was no accident, but a state murder, the chief part of a successful scheme to effect the dispersal of the insurgents. The plot was hatched in the King's council, and was daringly carried out by London's intrepid mayor and England's youthful King.

So radical a departure from the accepted view obviously requires a full investigation of the chief historical sources of the event. Green's account is nothing more than a condensation of Froissart, who has been relied upon to a greater or less extent by all modern authorities.¹ Other historians have based their accounts on that of Walsingham, which in some respects confirms Froissart's,² and even the latest writers have assigned weight to his statements.³ We must therefore briefly consider the value of Walsingham's work, the *Chronica Majora*.

In the previous investigation on the *Evesham Chronicle*⁴ it was shown that both the *Chronicon Angliae* and the *Historia Anglicana* were derived from a common original, the lost *Chronica Majora Sancti Albani*. This is also true of their account of the rising in 1381, which is evidently derived from the same source.⁵ Our investigation is therefore concerned with the historical value of this lost original.

Let us first attempt to establish the time of its origin. The independent part of the *Historia Anglicana* begins in 1377 and ends in 1422. Mr. Riley has already shown that the section 1377-1392 was written after April 23, 1394, because in 1378 the author refers to Sir Hugh Caverley, who died on that date, as dead.⁶ As the

¹ Bergenroth gives practically a translation. *Hist. Zeitschrift*, II. 79-81.

² *Gesch. v. England*, IV. 532; Maurice, *Tyler, Ball and Oldcastle*, 180-181; Stubbs, *Const. Hist.* (4th ed.), II. 480-481.

³ Viz., Trevelyan, (242-243) and Petit-Dutaillis (Réville, xciv).

⁴ Above, 269-270.

⁵ The *Historia* contains additional matter on the local revolt at St. Alban's, but this too is derived from the same original. For it is also to be found in Walsingham's *Gesta Abbatum Sancti Albani* (ed. H. T. Riley, *Rolls Series*, 1876-1879), which is based on the *Chronica Majora* (*Ibid.*, II. 109; III. 332).

⁶ *Ibid.*, I. x.

same passage is to be found in the *Chronicon Angliae*¹ it must have been in their common original, and the corresponding part of the *Chronica Majora* must have originated after the same date. This part, however, must have been written before the accession of the House of Lancaster in 1399. For the *Chronica Majora* contained the objectionable references to John of Lancaster, which are still to be found in the *Chronicon Angliae* and other derivatives, but which the *Historia Anglicana* omitted or changed.² The account of the revolt in the *Chronica Majora* must therefore have been written between thirteen and eighteen years after the occurrence. The few known details of Walsingham's life have been ably discussed by Dr. Gairdner and Mr. Riley.³ Suffice it here to say that he was precentor and scriptorarius of St. Alban's abbey for some time previous to September 4, 1397, when he was elected prior of Wymundham. In the early part of 1397⁴ he returned to the abbey, and devoted the remainder of his days to historical work. His death occurred after August 31, 1422.⁵

Walsingham's work is a valuable and important source for English history from 1377 to 1422. His account of the revolt is the longest contemporary narrative in our possession, numbering seventy one pages of the printed text in the Rolls edition. It is, however, much influenced by local surroundings, and is about what might be expected from a monk whose abbey had been grievously injured by the insurrection. Though violently prejudiced, his account of the local revolt at St. Alban's, which comprises the greater part of his narrative, is vivid and detailed,—being evidently the work of an eyewitness. On the other hand, London events are very inaccurately described. Of the three most important occurrences in the city, the meeting at Mile End, the siege of the Tower, and the meeting at Smithfield, he omits the first altogether, gives a wrong description of the second,⁶ and is ignorant of the purpose of the third. His principal efforts are reserved for the wrongs committed by the insurgents, and he never loses an occasion of pouring out the vials of his wrath upon them, exhausting his Latin vocabulary in terms of

¹ *Hist. Angl.*, I. 372; *Chr. Angl.*, 201.

² *Chr. Angl.*, xxx-xxxiv.

³ Gairdner, J., *Early Chroniclers of England* (London n. d.), 270-272; *Hist. Angl.*, II. pp. x, xx-xxi.

⁴ He so states in *Gesta Abbatum* (III. 436) that he was recalled by Abbot John de la Moote "paululum post suam installationem." Now this installation took place on St. Clement's day, Jan. 23, 1397 (*Gesta*, III. 433). Riley states that he returned in 1400 (*Hist. Angl.*, II. xx), but without citing his authority.

⁵ He refers in his narrative to the death of Charles VI. of France, which occurred on that date (*Hist. Angl.*, II. 344).

⁶ *Ibid.*, I. 458-459.

revilement.¹ This is no longer the work of a chronicler seeking to relate the truth, but that of an advocate striving to place the insurgents in the worst light possible.

Let us now consider some of the statements of Walsingham that have been generally accepted. To him we owe our idea of the character and composition of the rebel army which refused to leave London and afterwards faced the King at Smithfield. The court indeed made every effort to induce them to retire. While the main band of the insurgents, under pretext of the King's grant to search out and behead all traitors were killing the Archbishop, the treasurer and the other victims, the King's chancery was engaged in the work of issuing the promised charters of freedom. For this purpose the Earl of Arundel had been temporarily appointed chancellor and given custody of the great seal, soon after the arrival of the royal train at the Tower Royal. A large number of clerks was set to work drawing up the promised charters, which were delivered free of charge.² Judging from the survivals, two forms of pardons were issued: general charters of manumission and pardon for all serfs within the shire, directed to the sheriffs of the different counties, and particular letters, directed to lords of liberties and manors. The latter were given to the representatives of dependent vills and towns.³ Throughout the next day the work of liberation continued, and the number of insurgents in the city steadily decreased. Leaving representatives behind to receive the promised charters, many of the contingents retired homewards. By the afternoon of the following day, probably half of their army had departed.

Who were they that remained? According to Walsingham it was the Kentishmen; the men of Essex returned home. Modern authors try to explain his theory by the supposition that the former were mainly serfs, and therefore satisfied with the concessions of Mile End, but that these did not go far enough for the latter, who, being freemen, cherished political grievances. According to Stubbs it was the political rebels of Kent who beheaded the ministers and committed the outrages of Friday, and Bergenroth thinks that, by granting the articles at Mile End, the King shrewdly separated the cause of the servile from that of the free peasantry. This entire hypothesis is based on the supposition that it was chiefly the

¹ The townsmen of St. Alban's are "fallax turba, gens perfida, populus dolosus, viri mendaces, homines fraudulentis, proximi vicini invidi, beneficiis semper ingrati . . . ut vere iniquitatis filii, patrem totius ingratitudinis et mendaciorum, diabolum imitantes" (*Hist. Angl.*, II. 30). The insurgents who slew the Archbishop were "ribaldi, perditissimi, ganeones, daemoniaci" (*ibid.*, I. 459). The originators of the revolt in Essex were "quinque millia vilissimorum communium et rusticorum" (*ibid.*, 454).

² *An. Fr. Chr.*, 518; Froissart, IX. 406.

³ *Chron. Adae de Usk*, 2; Walsingham, *Hist. Angl.*, I. 467, 473.

men of Essex who met the King at Mile End.¹ But we have seen in the preceding paper that *all* of the insurgents about London were present at Mile End to receive the King's grant. Both Essex and Kentishmen participated in the execution of the ministers and other political outrages; in fact, Tyler, Ball and Straw, the trio which controlled the revolt and led those who remained at London, were all Essex men.² We have seen how freemen as well as serfs profited by the articles of Mile End, and that the latter were political as well as social. And we shall find among the demands made by the insurgents at Smithfield an article intended for the benefit of the serfs only.³

In these demands of Smithfield the answer to our question is to be found. Those remained behind who wished to achieve more radical ideals, both political and economic, than had been conceded at Mile End, but especially those who desired to reform the church according to the religious ideals of John Ball, for which the great masses of English peasantry could not be depended upon to endanger such vital interests as the abolition of serfdom, labor services, and the statute of laborers. Men of Kent and London were indeed there, but also men of Essex, the home of Ball, where his teachings had been longest propagated, and serfs, as well as freemen were among them.

For the negotiations between Tyler as leader of the insurgents and the royal council we are again dependent on Walsingham, who alone mentions them.⁴ He tells us that Tyler refused to give a statement of his demands until the following night, and rejected three separate forms of charter drawn up for his approval. He demanded a commission to behead all lawyers, and was said to have openly boasted that within four days all laws would issue from his mouth,⁵ but in reality he was only trying to gain time in order to burn and despoil London. Our previous experience with Walsingham warrants us in rejecting this narrative, especially as the demands actually made by Tyler were nothing like these supposed requirements.⁶ The latter was right, though, in supposing that the council

¹ Stubbs, *Const. Hist.* (3d ed.), II. 480, 483; Bergenroth, *Hist. Zeitschrift*, II. 78; Pauli, *Gesch. v. Engl.*, IV. 530-531; Petit-Dutaillis (Réville, lxxix); Tait, *Dict. Nat. Biog.*, sub "Tyler."

² Riley (*Memorials*, 450) and Walsingham, (*Hist. Engl.*, II. 15) tell us that an Essex man beheaded the Archbishop.

³ A reiteration of the demand for the abolition of serfdom, *An. Fr. Chr.*, 519.

⁴ *Hist. Engl.*, I. 463-464. He has been followed by all modern authorities at tempting to give details.

⁵ This reputed boast in regard to the law has been accepted by Pauli (*Gesch. v. England*, IV. 533) and is used with fine effect by Shakespeare in his impersonation of Jack Cade. *Henry VI.*, Pt. II., act IV., scene VI.

⁶ Cf. the sixth article of this series.

was trying to induce Tyler to withdraw his forces from London, on the basis of the articles granted at Mile End. For in the morning of the same day a proclamation had been made that all the commons should return home, but this was not heeded. Tyler evidently insisted that the King again meet the insurgent army and grant a new series of demands, and this was conceded. Royal proclamation was accordingly made summoning the commons to Smithfield at vespers of the same day.¹ The chroniclers have left charming accounts of how the King, followed by a train of 200 retainers, prepared himself for the coming ordeal by solemn religious devotions at Westminster in the afternoon (3 p. m.).²

In connection with the accepted version of the meeting at Smithfield there are two incidents which are of themselves surprising and which certainly deserve explanation. One of these is the conduct of Tyler himself. Is it not strange that a man accredited by his enemies with having good sense should have begun an unprovoked quarrel with an unoffending knight, instead of trying to get the King's assent to the articles which it was his business to present? Another surprise is afforded by the conduct of Tyler's followers. Would an infuriated multitude, which had just slain the primate of England and even threatened the King himself with death, have stood tamely by while its beloved leader was being slain, without even raising a hand in his behalf? The strange conduct of Tyler can best be considered in the account of the meeting which will be presently given. The action of the insurgent army, however, requires immediate consideration.

Did the insurgents witness Tyler's death? According to Walsingham they did, and this view is also maintained by the continuation of Knighton's *Chronicle*. Let us briefly consider the historical value of this new testimony. The fifth book of Knighton's *Chronicle* is, in reality, a continuation, the author of which was indeed a monk of Leicester abbey,³ but not Knighton himself.⁴ His account of the revolt at Leicester is detailed and good, but his narrative of London events is inferior, as we should naturally ex-

¹ *Ibid.*, 518. According to *Contin. Eulog.*, 353, it was proclaimed that John of Lancaster with 20,000 Scots was coming against the King, and that the commons should assemble at Smithfield to aid him. This is a fair sample of the rumors current at the time.

² *An. Fr. Chr.*, 518. Malverne, 4-5; Mon. Evesham, 28. Froissart (IX. 409) wrongly dates the King's orisons at 9 a. m., instead of the ninth canonical hour (3 p. m.).

³ This is evident from the frequent references to Leicester and its abbey (*Ibid.*, 125-127, 142-143, 233, 235, 240, 264-266, 313); and from the importance and praise given to John of Gaunt, who possessed Leicester castle and was patron of the abbey (*Ibid.*, 143-149, 207, 208, 313). In spite of his protection of the Lollards and his notorious immorality, John is always for him "*pius dux*" (*ibid.*, 157, 193, 208, 210).

⁴ This was pointed out by Shirley (*Fasciculi Zizaniorum*, 524, n. 1), and proved by the editor of Knighton (II. xcvi-xcviii).

pect from one writing at such a distance. The chronology is faulty, and the occurrences are related in false sequence.¹ His account of the events at Smithfield is full of errors. Contrary to other sources, he lets the meeting occur in the morning, and confuses Tyler with Straw, who, he says, was slain at Smithfield. His version of the meeting between the King and Tyler is at variance with the other sources,² and is evidently based on purest hearsay. It is evident that his testimony does not belong to that of the more reliable authorities.

But a more important source than the one just considered maintains the idea that the insurgents witnessed the death of their leader. A document which seems to be an official city record of the revolt distinctly states that the mayor in the presence "of our lord the king and those standing by him, lords, knights, esquires and citizens on horseback, on the one side, and the whole of this infuriated rout on the other, most manfully by himself rushed upon the captain of the said multitude, Walter Tyler by name, and as he was altercating with the king and the nobles, first wounded him in the neck with his sword, and then hurled him from his horse, mortally pierced in the breast."³ This document is taken from the letter-books or official records of the city. At the outset it announces its purpose by the statement that the events of Corpus Christi day "seem deserving to be committed to writing that it may not be unknown to those to come."⁴ From this and from the contents of the document it is evident that its object was to record the part taken by the city, and particularly by Walworthe, the mayor, in suppressing the revolt. It is therefore a political and not an historical record, the authorized version of the party in power to justify and glorify its own actions. Although it is not dated, the events recorded, as well as its place in the letter-books on the same folio with documents of 1381, indicate that it was contemporaneous, or nearly so, with the insurrection. Being therefore a contemporary, official document, its testimony is of value, as the author certainly had the best possible means of information. On the other hand, its political purpose to exalt the actions of the mayor and his followers renders it liable to distort the truth, especially in the case of "that most renowned man, Sir William Walworthe, the then mayor."

In all of the description of the actions of Walworthe this ten-

¹ In contradiction to other sources he has the rebels enter London on Friday, June 14 (p. 132). They entered the Tower and slew the ministers while the King was at Mile End, and plundered the Savoy after this (134).

² *Ibid.*, 137 ff.

³ Riley, *Memorials*, 451-452.

⁴ *Ibid.*, 449.

dency is noticeable. Thus in the passage quoted above we are told that he set upon and killed Tyler "most manfully by himself," whereas all the other sources tell us that several participated in the killing, and that the mayor did not inflict the mortal wound. We then hear of an attack of the insurgents, that came with Tyler, on the doughty mayor, who successfully defends himself and escapes unhurt; but of this attack the other sources know nothing.¹ Why should not the same motive, the glorification of his hero, the mayor, have led the writer to describe his great achievement as having been done in the presence of the entire insurgent army? At all events there is room for this suspicion.

But let us see whether all of the sources sanction the hitherto unquestioned hypothesis. We found the anonymous French chronicler the most detailed and reliable of all contemporary historians on the revolt, and concluded that he had probably been an eye-witness at Mile End. Now his description of the meeting at Smithfield is equally vivid and detailed, twice as long, finds even more confirmation among contemporaries.² According to his account Tyler was quite a distance away from his men during the struggle, for he spurred his horse towards them, and cried to them for vengeance. But his horse fell at fourscore paces. When the commons saw him fall they did not understand what it meant, as they certainly would had they witnessed his death. Sometime later at St. John's field they learned how he had been slain and were stricken with terror.³

The monk of Evesham also implies that the people did not know of Tyler's fate when he tells us that immediately afterwards they demanded to know where their leader was.⁴ Froissart, although he lets the people learn of the tragedy in time to bring in the traditional scene, tells us that during the struggle the King's retinue so environed Tyler about that his people could not see him.⁵ But most direct of any is the testimony of the *Continuation of the Eulogium*, which tells us that during the struggle the people asked what the King was doing with their advocate, implying that they did not know what was happening. They were informed that

¹ Cf. the account given later, for this and the preceding statement.

² This will appear in detail in my narrative of the event.

³ *An. Fr. Chr.*, 520: "Le comons luy vierent chaier et ne scavoient en certayne coment il fust. . . . Pur ceo que ils vierent que lor cheifteine Wat Tighler fust morte en tiel manner chayerount al terre en my des blees come gentz discomfitees."

⁴ Mon. Evesham, 29: "Unde cito post populo clamanti, 'Ubi est dux noster?' rex, prout deus voluit, inter eos equitando insiliens respondit clamando, 'Ego sum dux vester sequimini me.'"

⁵ *Chroniques*, IX. 413: "Sitot comme il fu cheus entre pies, on l'environna de toute pars, par quoy il ne fust veus des assambles qui la estoient et qui se dissoient ses gens."

he was being made a knight, and led to believe that he would re-join them in St. John's field.¹

The *Continuation of the Eulogium*² (1364-1413) is the work of an unknown author, who may have been a monk of Canterbury.³ Although the latter part was written later, the account of 1381 originated before 1404.⁴ According to Mr. Haydon, the editor, the narrative is independent of all known chronicles, and its statements are generally confirmed by contemporaries; the number of errors is below the average.⁵ This is certainly true of the narrative of the revolt, which is an entirely independent account, full of new information. Its main outlines are confirmed by other chronicles, even its new statements finding corroboration in sources since published.⁶ A careful comparison of its account of the revolt with the other sources has convinced me that although terse and not entirely free from errors, this is one of the most reliable contemporary sources.

Let us now briefly sum up the evidence. For the accepted view, that Tyler was killed in sight of his men, are Walsingham and Knighton, both of whom wrote at a distance from London, and whose version of London events is otherwise untrustworthy, and a city record, official and contemporary indeed, but which we have reason to believe distorted the event. Froissart's testimony counts both ways; the insurgents did not witness Tyler's death, but learned of it immediately afterwards. Against the usual view is the testimony of the anonymous French chronicler, who was probably an eye-witness, the monk of Evesham and the continuer of the *Eulogium*,—all of whom our investigations have proved reliable sources. Our verdict must therefore be that the insurgents did not witness their leader's death. On this hypothesis alone we can see why they did not interfere to save or avenge him, and were so easily persuaded to seek St. John's field. From this point of view I shall endeavor to

¹ *Contin. Eulog.*, 354: "Clamabat autem comitiva: 'Quid facit rex cum nostro prolocutore?' Dixerunt alii: 'Facit eum militem.' Et clamaverunt omnes: 'Transite in campum Sancti Johannis et veniet ad vos novus miles.'"

² *Eulogium Historiarum sive Temporis, a monacho quodam Malmesburiensi exaratum*, (ed. F. S. Haydon, R. S.) 1858-1863. This work is a well-known compendium of history extending till 1366. Our continuation is one of several published in the third volume.

³ *Ibid.* III. lii, n. 1.

⁴ *Ibid.*, I. Under 1382 reference is made to the Duke of Burgundy, who died in 1404, as then holding the county of Flanders. *Ibid.*, 355.

⁵ *Ibid.*, lxxxi.

⁶ For example, its accounts of the beginning of the revolt in Essex and Kent (III. 151-152) is confirmed by *An. Fr. Chr.*, 509-510; its notice of the embassy sent by the city of London to the insurgents by the *Coram Rege roll* (*Eulog.*, III. 352; Réville, 190-191).

describe the death of Tyler, using all available sources. The *Anonymous French Chronicle*, which our investigations have shown to be the most detailed and reliable of the sources, will form the basis of my account, but due consideration will be given to other sources.

We remember that Smithfield was then a large open space just without the walls to the north of London. Its extent may be judged from the fact that on Friday the cattle market was held there, and once a year the great St. Bartholomew's fair. On the west side, the commons in great numbers were drawn up in battle array, while the King and his party came from Aldersgate on the opposite side. At vespers the meeting occurred.¹

On the King's arrival he ordered the mayor of London to ride across the field and summon Tyler into his presence.² The latter came on a small horse, and carrying a dagger in his hand, out of mistrust to the royal retinue. Dismounting he dropped on one knee before the King and heartily shook his hand, while uttering the following curious words: "Brother, be of good cheer and joyful; for you will soon have the fifteenth pledged by the commons more than you had before, and we shall be good comrades."³ From this it would seem that the commons had even thought of a solution of the King's financial difficulties, and that while refusing to pay the poll-tax, had pledged him a fifteenth.⁴ To the King's question why the insurgents would not retire home, Tyler responded in a lengthy speech, setting forth that they demanded a more liberal charter than that of Mile End.⁵ He declared that the lords of the realm would rue it if these desires were not granted. Richard then inquired what were these additional points, protesting that Tyler should freely have them without contradiction, drawn up in form of a charter and sealed.⁶ Wat then rehearsed a series of demands which were for their time perhaps the most radical ever made in England. The King responded favorably, promising all he could possibly grant, saving the regality of his crown⁷ an exception to which the

¹ Riley, *Memorials*, 450, confirmed by *An. Fr. Chr.*, 518, and Mon. Evesham, 28. The continuator of Knighton, whose chronology is otherwise weak, has this meeting occur in the morning. II. 137.

² *An. Fr. Chr.*, 518-519. This version is to be preferred to that of Walsingham (I. 464), who has Sir John Newton summon Tyler. His supposition, that the whole fray arose because of the latter's anger at being approached on foot, is incredible.

³ *An. Fr. Chr.*, 519.

⁴ On the march to London they made their adherents swear to pay no taxes but the fifteenths their fathers had known. *Hist. Angl.*, I. 455.

⁵ *An. Chr.*, 519; Mon. Evesham, 29; *Contin. Eulog.*, 353.

⁶ *An. Fr. Chr.*, 519: "Il les auoiet voluntiers sans contradiction escript et enseale."

⁷ "Le roy respondist esement et dist que il aueroit toute ceo que il purroit bonement granter, salvant a luy sa regalite de sa coronne."

commons had themselves agreed in one of their demands¹ and then commanded Tyler to return home without further parley. After this, occurred the event which gave pretext for killing the rebel leader.

Chroniclers are agreed as to the fact that this consisted in some act of audacity on his part which excited the resentment of the King's followers. According to some, he neglected to doff his hood and bow the knee before the King, and was taken to task for this by the mayor.² But the same reliable source we have hitherto followed, better informed on details than the rest, tells us that Tyler, who was overheated, called for water and rinsed his mouth, after which he ordered a tankard of beer and drank a great draught in the King's presence. He then mounted his horse in order to ride away. Meanwhile the royal retinue had so surrounded Tyler that he could not be seen by the multitude,³ and one of the King's followers, a valet⁴ of Kent, deliberately began a quarrel with him. Having obtained the King's permission to see Tyler, he stepped forward and declared that he was the greatest thief and robber in Kent. Tyler naturally grew angry, but being too prudent to attack his defamer ordered him to come before him. The latter refused, fearing Wat's attendants, but the lords, wishing to provoke Tyler further, ordered him to obey. Wat then commanded one of his attendants, a standard bearer, to dismount and behead the esquire. The latter said that he did not deserve death, for he had spoken the truth. He justified debating in the King's presence on the plea of self-defense, and reaffirmed his charge. At length, either because he had lost patience, or because he thought himself in danger, Wat drew his dagger.⁵ This action in the King's presence gave the desired pretext for his arrest. The mayor of London, whose office it was to arrest him, rushed upon him. Tyler resisted, but his dagger stroke fell harmless upon a cuirass concealed under the mayor's robe, while Walworthe's besclard twice pierced his adversary's neck and breast. The royal retinue then fell upon him. In the mêlée which followed several participated. Ralph Standiche, reputed the King's sword bearer, is said to have pierced Tyler's side, and John Cavendish, an esquire of the King's household, to

¹ Below, p. 479, n. 3.

² *Contin. Eulog.*, 353; Mon. Evesham, 28; Malverne, 5.

³ Froissart, IX. 413.

⁴ A valet was the son of a nobleman in military service as a page.

⁵ *An. Fr. Chr.*, 519. I take this occurrence to be the basis of Walsingham's statements about the quarrel between Tyler and Newton, and of Froissart's account of the former's absurd insolence toward the King's sword bearer. *Hist. Angl.*, I. 464; Froissart. IX. 412-413

have given the death wound.¹ Tyler's attendants indeed mingled in the fray, but they were few in number and soon overpowered.² In vain did Wat give the spurs to his horse and cry out to the commons to avenge him. His steed bore him but fourscore paces and he fell to the ground.

Meanwhile the insurgents on the other side of the large field had not seen the assault on their leader. They had perhaps been told that their demands had been granted, but on seeing their leader's horse dash forward and its rider fall to the ground, they were at a loss to understand what had happened. Their suspicions were aroused, and they began to draw their bows. Then young Richard spurring his horse rode over to the threatening multitude, and commanded them to meet him at St. John's field.³ This brave action probably gave occasion to the fine speeches recorded in several of the chronicles.⁴ It is however likely that other means were used to quiet the insurgents. They were probably told that the King had granted their demands, as he actually had.⁵ The *Continuation of the Eulogium* maintains that they were given to understand that the King had made a knight of Tyler, who would meet them in St. John's field. This explains the ease with which they were induced to march to the place appointed.

Richard does not seem to have ridden at their head, as is usually supposed, but escorted by a portion of his retinue, to have taken a different route.⁶ The greater part of the large retinue that had followed him to Smithfield, deserted on the road, either from cowardice, as one of our sources maintains, or, perhaps,⁷ because they could render better assistance with the army of rescue than assembling in London.

¹ *An. Fr. Chr.*, 520; Knighton, II. 137; Froissart, IX. 413; *London Chron.* (ed. Tyrrell), 74. The statement of the city memorial (Riley, 450), that Walworthe alone attacked and slew Tyler, contradicts all these sources as well as the less explicit *Contin. Eulog.*, 254; Mon. Evesham, 29.

² That Tyler was attended is evident from the testimony of the *An. Fr. Chr.*, 519, which speaks of a standard bearer, and tells us that the Kentish valet feared his attendants. The city memorial (Riley, 457) probably refers to them when it speaks of those who came with Tyler attacking the mayor. They must have been few in number, for the other sources do not mention them, and they were of no avail in defending him.

³ *An. Fr. Chr.*, 520. Our source says St. Stephen's field, but from its own testimony later on, and that of others, we know that St. John's field is meant.

⁴ The different versions are quoted in Réville, *Soulèvement*, xcv, n. 2.

⁵ Walsingham has the King promise them this in his speech. I. 465.

⁶ According to *An. Fr. Chr.*, 520, the King commanded them to come to him (venir a uy) at St. John's field, not to follow him there. The city memorial (Riley, 451) tells us that Walworthe rode "with our lord the king and his people" towards Whitewellbeach, implying that the multitude took another route, since the mayor had just escaped from them; Walsingham (I. 465) and the monk of Evesham (29) think that the King himself led the insurgents forth.

⁷ *An. Fr. Chr.*, 520; Mon. Evesham, 29.

Meanwhile the mayor had ridden back into the city to summon the military levy. But two of the aldermen of the King's train at Smithfield who sympathized with the insurgents, were before him. Walter Sybylle and John Horn had from the beginning aided the rebels, and now made a last effort to save their cause. Dashing through Aldersgate down Westcheap, Sybylle exhorted the citizens to close the gates and man the walls, for now all was lost.¹ They indeed succeeded in closing Aldersgate, but could not prevent the mayor from calling out the citizens to the King's rescue. They assembled in the streets together with the retinues of lords and other men-at-arms in the city, perhaps to the number of seven or eight thousand.² It was in the main a levy of London citizens, who, like the retinues, had been waiting in readiness.³ They were commanded by the mayor and aldermen, among whom John Phelipot, Robert Launde and Nicholas Brember were prominent. Sir Robert Knowles also figured among the leaders, perhaps as commander of the men-at-arms who were not Londoners.⁴ After dispatching this army to the King, the mayor led a troop of lances to Smithfield in order to make sure of the death of Tyler. On his arrival there he was informed that the chieftain was mortally wounded and had been conveyed by his comrades into the hospital of St. Bartholomew, where he lay abed in the master's chamber. Walworthe had him dragged forth and beheaded in their presence. The bleeding head was thrust upon a lance's point and born with him in his progress to the King.⁵

Meanwhile the insurgents advanced along the main road to St. John's field to await the coming of the King. On his arrival they drew up in battle array in accordance with his command.⁶ They were probably uncertain as to the fate of their leader, some expecting to see him led forth a knight. According to the city memorial, which assumes that they had seen him perish, they were altercation with the King and his people, "refusing to treat of peace except on condition that they should first have the head of said mayor,"

¹ *Coram Rege roll*; Réville, 194, 197.

² Froissart, IX., 414; his estimates of numbers are usually good. Walsingham tells us that there were but one thousand, but that this number was increased on the road. *Hist. Angl.*, I. 466.

³ Below, p. 476.

⁴ According to the city memorial, Walworthe both assembled and led forth the army. Riley, 451. The *Anon. Chr.*, has the mayor send it forth, and then return to Smithfield to dispatch Tyler; the army appeared at St. John's field under command of the aldermen (*ibid.*, 520). According to Walsingham (I. 466) Knowles was chosen captain, with other knights to act under him.

⁵ *An. Fr. Chr.*, 520. Mon. Evesham., 29; Malverne, 6.

⁶ *An. Fr. Chr.*, as above.

when he himself arrived with the army of rescue. It is possible that they had in the meanwhile heard of the struggle between him and Tyler, but in the light of our previous investigations, I prefer to follow the *Anonymous French Chronicle*, which tells us the army of citizens, led by the aldermen, first appeared on the scene. Issuing from different gates of the city they surrounded the rebels, and it was after this that the mayor appeared bearing Tyler's head. The King commanded the ghastly trophy to be planted at his side and thanked the mayor, but the commons were stricken with terror and threw themselves on the ground, as people discomfited, crying to the King for mercy.¹

We must here allow for the exaggeration natural to a partizan source. The insurgents numbered 20,000–30,000 men,² while the highest estimate of the King's forces is only 8,000. However, all contemporaries are agreed that the insurgents were glad to come to terms. We have no record of these terms, except that Walsingham informs us that the King gave the charter containing the Smithfield articles.³ This is in line with his previous statement that Richard promised this in his speech just after Tyler's death, but it seems unlikely in view of the fact that there is no further record of such articles in any of the sources.³ Some of the royal party, headed by the young King, wished to attack the insurgents, but the more prudent counsel of Sir Robert Knowles prevailed.⁴ The insurgents were allowed to disperse unmolested. Most of them retired home peacefully, those who lived south of the Thames being led through London by two knights appointed by the King for that purpose.⁵ The understanding seems to have been that the King had sanctioned the revolt up till the meeting at Mile End, and that the articles granted there held good. Throughout the country the peasants thought that their cause had been gained and that a great revolution had been accomplished.⁶

Was the death of Tyler an accident on the part of the King's followers, the deserved result of his insolence, or was it a preconcerted deed, part of a successful plan to effect the dispersal of the insurgents? Let us examine the meager evidence available.

(1) The meeting at Smithfield was so arranged that the multi-

¹ *An. Fr. Chr.*, 520; Malverne, 6.

² Froissart, IX. 406, 410; Knighton, II. 138.

³ We have only to recall the abundance of surviving evidence in regard to the articles at Mile End.

⁴ *Hist. Angl.*, I. 466; *Contin. Eulog.*, 354. In line with his idealization of Richard, Froissart represents him as restraining Knowles and the lords. (*Chroniques*, IX. 415).

⁵ Malverne, 6.

⁶ This is evident from their action in everywhere withdrawing labor service after their return home.

tude did not see what was going on. The King did not ride over to the commons as at Mile End, where they could see him, but stayed on the side of the field nearest London, the gates of which were held by his partizans. Tyler was conducted to the far side of the field out of reach and sight of his men. (2) He was deliberately provoked into an action which would give a pretext for attacking him. After he desired to return, the Kentish valet, with the King's permission, deliberately and repeatedly offered him the greatest insult imaginable. The lords ordered the young nobleman to go before him "*pur veier que il (i. e. Tyler) voideroit faire deuant le roy,*"¹ i. e. to see if he would not commit some act in the King's presence which would give a pretext for arresting or slaying him.² (3) Everybody on the King's side was in readiness for the results of Tyler's death. Only half an hour elapsed from the time when the mayor left the King until the army of rescue appeared at St. John's field.³ It would not have been possible to raise the levy of the twenty-four different wards of London, issue in strategic order from the different gates and surround the rebels in so brief a time, unless these forces had been waiting in readiness. That the lords' retinues and men-at-arms were in readiness is repeatedly stated by Froissart.⁴ Furthermore, the mayor had secured control of the city gates, which up to this time had been opened at the will of the insurgents. Both he and the aldermen wore cuirasses concealed under their robes, else Wat's dagger-thrust would have had quite different results.⁵ In this light the religious preparations of the King and his train at Westminster acquire new significance; we can understand why so dangerous an attempt should be thus solemnly ushered in. The details of the plot must have comprised what actually occurred. The King consented to Tyler's radical demands, but with no intention of fulfilling them, in order to get the people away from the city, and to placate them, in view of the intended violence to Tyler. That his death rather than his capture was planned, is rendered likely by the mayor's action in beheading him.

There is an interesting parallel in the case of Guillaume Câte, the most formidable leader of the Jacquerie, the revolt of the French peasants in 1358. He was invited to a conference by Charles the

¹ *An. Fr. Chr.*, 519.

² *Ibid.*, 519, 520: "par celle encheson le mair de Londres, William Walworthe par nosme, aresone le dit Wat de celle violence et despite fait en presence le roy, e luy arresta."

³ Riley, *Memorials*, 451.

⁴ *Chroniques*, IX. 402. He exaggerates the number, however, when he rates them at 7,000.

⁵ *Ibid.*, 413.

Bad, King of Navarre, and treacherously murdered, after which his followers were easily dispersed. Now the English had been allies of Charles in this war, and his action must have been known to the members of the council. When we recall the awful death of Edward II. and of Richard II. himself, we can hardly expect that the council would have been troubled with many scruples over removing an intractable rebel, whose influence prevented the insurgents from dispersing. The most likely explanation of Tyler's death is that it was one of the state murders that darken English history.

VI. THE ARTICLES OF THE INSURGENTS AT SMITHFIELD.

Probably the most important item of new information given us by the anonymous French chronicler is an enumeration of the demands presented by Tyler at Smithfield. We had formerly only meager information in regard to a single article;¹ we now probably possess full information on all of them, as far as their substance is concerned. For as we have seen in the foregoing paper, the anonymous chronicler's account of the tragedy at Smithfield is more detailed than his version of Mile End events, and equally trustworthy. We may therefore place equal reliance upon his enumeration of the demands of the insurgents. This conclusion finds confirmation in the fact that the only one of the Smithfield articles elsewhere recorded is found among those given by this invaluable source.²

For purposes of perspicuity let us divide the demands of the insurgents at Smithfield into three groups, in line with the character of the separate articles: viz., legal, economic, and, thirdly, such as are at the same time religious and economic.

Of the first class there are two provisions. One of these recites "that there be no law except the statute of Winchester."³ This was a police regulation for the keeping of the peace—one of the greatest legislative achievements of Edward I. It provides for the ready capture of felons, against whom suit may be brought from town to town. The hundred is held responsible for robberies committed, though forty days grace is allowed to secure the robber. Watch and ward must be maintained in the towns during the night, and all strangers arrested; if they resist, hue and cry are raised against them. Highways to market towns are to be widened and cleared for 200 feet on either side; for the enforcement of this provision lords of manors are held responsible, and the hundred must help them if necessary; they are commanded to remove their parks

¹ Knighton, II. 137.

² Below, 479, n. 4.

³ *An. Fr. Chr.*, 519.

the same distance from the highways or else enclose them with a wall. Finally, every man must keep in his house armor according to his house and goods, from the landholder of £40 and more, who went forth in a knight's equipment, to the peasant who had nothing but a bow and knife. The constables of the hundred hold inspection of this armor twice a year.¹

It will readily appear why a measure of this description was popular with the lower classes, for it places the power of checking lawlessness in their own hands. As Stubbs aptly observed: "It carries us back to the earliest institutions of the race; it revives and refines the actions of the hundred, hue and cry, watch and ward, the fyrd and the assize of arms."² In demanding the abolition of other legislation the commons evidently referred to objectionable police laws enacted since 1285. They probably meant the statutes of laborers, which required new police and judicial machinery, like the justices of the peace and justices of laborers, for their enforcement.³ For it would have been impossible to get the peasants to arrest or pursue, in the manner provided by the statute of Winchester, recalcitrant comrades resisting unjust labor legislation. They regarded the old law as sufficient for the repression of lawlessness, and the statutes of laborers, both in object and enforcement, as oppressive and useless.

The second legal demand of the insurgents calls for the abolition of outlawry in all processes of law.⁴ This demand against one of the most potent factors in early medieval justice may at first thought occasion some surprise. Before the Norman Conquest outlawry was indeed a severe punishment.⁵ By setting at naught the summons and decrees of the law the outlaw had lost all of its protection. His property was forfeited and he might be killed with impunity. But with increased gradation of punishment the application and force of outlawry were greatly diminished, so that by the twelfth century it had become rather a process to compel attendance at court than a punishment. The accused had to be summoned in four successive courts, and only in the fifth, if it was a county court, could the decree be passed, a process which, according to a likely surmise, might last two years and a half.⁶ Such a condition could

¹ *Statutes of the Realm* (Record Commission), I. 96-98.

² Stubbs, *Const. Hist.* (4th ed.), II. 123.

³ Cf. especially *Statutes*, I. 313, 327, 330, 350-351, 364-365, 366; II. 2-3.

⁴ *An. Fr. Chr.*, 519; "Que nul vtlegerie seroit en nul proces de ley fait de ore en auant."

⁵ See the well-known old English poem, "The Exile." *Bibliothek der Angelsächsischen Poesie* (Wülker-Grein), I. 284-290.

⁶ Pollock and Maitland, *Hist. of Eng. Law*, I. 539; cf. also *ibid.*, 476-478; II. 449-450, 459, 579.

hardly call for special protest on part of the commons unless some particular incident had brought it vigorously home to them.

In my opinion this incident was the statute of laborers. There were certainly many laborers who fled from their homes in order to avoid prosecution for violation of the law. The enactment of 1360 declares such laborers as cannot be found by the sheriff to be outlaws, and orders writs of their outlawry to be sent to all the shires. If captured, they are to be brought back and imprisoned until they justify themselves and satisfy the plaintiff, and for their falsity they are to be branded in the forehead with an iron shaped to the letter F, unless the plaintiff wishes to put this penalty into respite until the following Michaelmas, when the justices may decree whether it shall be inflicted. The enactment further decrees the punishment of city officials who refuse to deliver up such outlaws.¹

The two demands just discussed emphasize the importance of the statute of laborers as an existing grievance with the insurgents, thus confirming what we already know from the demand for its repeal at Mile End. This repeal the Smithfield articles presuppose, as the demands at Mile End were granted to all the insurgents. At some future time I hope to show from the *Rolls of Parliament* and the *Statutes of the Realm* how potent this labor legislation was in producing the discontent which found voice in the revolt.

Of the two economic demands of the insurgents at Smithfield one is a repetition of the Mile End provision for the total abolition of serfdom.² The other also relates to manorial conditions and goes even further, specifying that in every lordship, save only the royal domains, the woods be apportioned among all the tenants³—not apportioned in the modern sense of an actual division, for this would be contrary to medieval conceptions of property in land, but in community of use, as already prevailed on some manors. This gave the peasants the right to use all necessary wood for fuel and building purposes, and also to hunt and fish free of restraint in the forest folds. We know from the testimony of another source that Tyler demanded free hunting and fishing throughout England.⁴ The importance of such a provision is evident when we reflect that fish was the only flesh that could be eaten on the many fast days of the

¹ *Statutes*, I. 366, cap. 10-11.

² *An. Fr. Chr.*, 519: "Que nul naif seroit en Engleterre ne nul servaige ne naifte, mes toutz estre free et de vn condicione."

³ "Que nul seignur aueroit seignurye fors sivelment ester proportionne entre toutz gentz, fors tant solement le seignur le roy."

⁴ Knighton, II. 137: "Petunt a rege ut omnes warennae, tam in aquis quam in parco et boscis, communes fierent omnibus, ita ut libere posset, tam pauper quam dives, ubicunque in regno in aquis et stagnis piscariis et boscis et forestis feras capere, in campis lepores fugare, et sic haec et hujusmodi alia multa sine contradictione exercere."

medieval church and during Lent. Through the winter months, in fact during the greater part of the year game was the only fresh meat available.

The economic demands just noted apply to clerical equally with lay estates. There was, however, a growing consciousness of the need for special measures against the clergy, based on the general desire for a reformation of the church. This desire, in its most radical form, was shared by the insurgents, and finds expression in three articles, which, because of their marked religious character and also because of their far reaching economic effects, may best be termed their religious-economic demands. They may best be considered under three heads: (1) that the goods of the holy church should not remain in the hands of the clergy, neither of parsons and vicars nor of other clergymen, but after allowing for their easy sustenance, the remainder should be divided among the parishioners; (2) that all the lands and tenements of possessioners should be taken from them and divided among the commons of the realm, saving to them a reasonable sustenance; (3) that there should be no bishop in England but one, and no prelate but one.¹

The first two articles confiscate all clerical property above a reasonable sustenance for the active clergy. They strike clearly and directly at the two principal sources of clerical income, the local revenues as paid by the parish, and the revenues from landed possessions. The former consisted chiefly of the tithes, but comprised also such periodical contributions as fees for burial service, candle-dues, plough-alms, and other local customs. The commons were perfectly willing to pay tithes as far as was necessary for local needs. They distinctly specified the support of the parish clergy, who were favored in all of their demands, as we shall presently see. But this would require only a small portion of the tithes, and the remainder was to revert to the parishioners who paid them. I do not think that the article contemplates a levy of tithes, and afterwards an equitable division of the proceeds, but means that only such taxes are to be levied as are necessary for the support of the parish priests.

The second article aims at the entire possessioned clergy, regular and secular, and affects particularly the hierarchy and the monasteries. At this time, the landed possessions of the clergy com-

¹ *An. Fr. Chr.*, 519: "Que le biens de saint esglise ne deueroient ester en mains de gentz de relligione, ne des parsons et vicars ne de autres de saint esglise, mes les auante aueroient lour sustenance esement, et le remanent de les biens deueroient ester deuidees entre les parochiens; et nul euesque seroit en Engleterre forsque vn ne nul prelate forsque vns; et toutz les terres et tenementz de possessioners seroient pris de eux et parties entre les comons, saluant a eux leur resonable sustenance."

prised over one-third of the land of England. They consisted not only of vast manorial estates, yielding both labor and money rents, and the profits of justice when these estates formed independent baronies, but also of forests, harbors, fisheries, mines, rights of pasture, tolls, market dues and other exactions. As in the case of parishes, the revenue from these possessions, saving a pension for the possessioners, is to revert to the commons who paid it. The tenants on clerical lands need no longer pay rents, all rights of forest and pasture become free, and all manner of tolls for markets and mills cease. Every peasant on clerical land becomes a freeman holding directly under the King, in other words, a peasant proprietor. This is perhaps the most radical reform proposed by the insurgents in 1381, and its success would have created in the English commonwealth of the fourteenth century a more powerful and prosperous body of free peasants than the nineteenth was able to show.

The idea of confiscating the lands of the clergy was not peculiar to the insurgents, but had long been maintained by the Mendicant Friars. Wycliffe's pronounced views on clerical disendowment are well known,¹ while even such a conservative as the author of *Piers Plowman* urged that the clergy be compelled to live on their tenths.² Threats of spoliation had ere this been used by John of Gaunt and the Lancaster party as a political lever against the clergy, and had even been made in Parliament.³ The marked novelty of the demands of the insurgents is their plan of raising the common people upon the ruin of the clergy. All other plans of confiscation had advocated strengthening the middle and upper classes. Wycliffe's ideal was to aid poor gentlemen, who would justly govern the people and maintain the land against its enemies,⁴ while later Lollard Parliaments advocated temporary confiscation for needs of war, or else the creation of new earls, knights, and esquires,⁵ both being plans for obtaining increased military services, thereby lightening taxation. The insurgents, however, wished clerical confiscation to improve the economic condition of the common people at large.

The confiscation of the landed possessions of the monasteries

¹ He even considers the possessions of the clergy to be the chief cause of the revolt. *De Blasphemia* (Wycliffe Soc. 1893), 190, 202.

² B, XV. 526. Cf. the important additions of the C text, XVIII. 228 ff.

³ See the interesting speech in Parliament preserved by Wycliffe. *Fasciculi Zizaniorum*, XXI.

⁴ *Select English Works*, II. 216-217.

⁵ Walsingham, II. 265, 282-283; *Ann. Henr.*, 393-394; Stubbs, III. (5th ed.) 49, 65, 85.

would have meant their dissolution. This demand was only an expression of the general bitter feeling against them, and the general conviction that they were not fulfilling the high purposes for which they had been founded, but had become useless and attenuated. In addition to this, they were hated as being hard and conservative landlords, who in this age of change clung tenaciously to ancient rights over their tenants, and persistently held down the towns which grew up in their domains. A very important part of the revolt in 1381 was a general uprising of the subjects and tenants of monasteries, especially of mesne towns like St. Alban's and St. Edmundsbury. The insurgents, however, showed moderation in the provision for the reasonable sustenance of the possessioners, which would of course include pensions for monks and the hierarchy.

While the articles just discussed would deprive the bishops of their revenues they would not necessarily abolish the episcopacy. This would have been no new proposal, but one often made by Wycliffe. Although the general feeling against the prelates was not as strong as that against the monasteries, they were at this period quite generally condemned for their worldliness and as men who were more attached to secular work in the King's service than to their spiritual duties.¹

The insurgents propose a radical change in their third religious demand: that there be but one bishop for all England. This novel proposition is quite in line with their political ideal: their church government was modeled on that of the state. As a democratic King, uninfluenced by the upper classes, was to rule in affairs temporal, a democratic bishop was to be supreme in affairs spiritual. The demand for a single head of the church was no doubt influenced by the desire of the insurgents to place John Ball, their chief religious leader at the head of the church. The *Chronicle*, which has recorded these articles, tells us on another occasion that such was Ball's own wish,² and two other contemporaries report rumors to the effect that the insurgents propose to make him Archbishop of Canterbury.³

The abolition of the hierarchy, as well as the disestablishment of monasteries, would have chiefly accrued to the benefit of the parish priests. As is well known, at this period the tithes of the parishes had quite generally been appropriated by non-resident pre-

¹ Trevelyan, *Age of Wycliffe*, 106-111.

² *An. Fr. Chr.*, 512.

³ Mon. Evesham: "Quem, ut dicebatur, si habuissent eorum nephandum propositum, in archiepiscopum, Cantuariæ erexisent." Walsingham tells us that, after his speech at Blackheath, Ball was acclaimed Archbishop of Canterbury and chancellor of the realm. *Hist. Angl.*, II. 33.

ates or monks, who employed poor and often incompetent curates, at the lowest possible wages, to perform their religious duties. The evils of this system were recognized in the fourteenth century, even by the bishops, and it was mainly because of their detrimental influence on the parish priests that Wycliffe desired the abolition of monasteries and the hierarchy.¹ In making the same demands the rebels probably had these points in mind. It seems no mere coincidence that so many of the lesser clergy were involved in the revolt. Ball was himself a chaplain; so was John Wrawe, chief leader of the Sussex rebels, and Galfrid Parfay, another ringleader, was vicar. In that county seven clergymen were among the leaders, while in other shires similar, though more isolated, instances are found.² Another powerful bond between the lower clergy and the people was the fact that the former had since the pestilence of 1348-1349 been engaged in a struggle with the hierarchy for living wages and consequently sympathized with the peasants in their fight against the statute of laborers.³

Nothing in regard to the papacy is stated in the insurgents' demands; but the abolition of the hierarchy alone, to say nothing of the other radical reforms proposed, would have necessarily involved a separation from Rome. That their attitude towards the Pope was one of indifference is further indicated by their reputed reply to the Archbishop of Canterbury, who, when on the point of being executed, threatened them with a papal interdict. They answered that they feared neither Pope nor interdict.⁴

A study of these Smithfield articles certainly overturns the generally accepted view that the insurgents were good churchmen, who objected to prelates as bad ministers only and to monasteries as oppressive landlords.⁵ Their chief leaders, backed by the most formidable division of the rebels, were religious reformers of the most advanced type. True, the reforms demanded are rather institutional than doctrinal, and we find no dissatisfaction expressed with the ritual and usages of the church. But even Wycliffe had just begun to announce his final views on the eucharist, or, at any rate, these views were just beginning to become generally known.⁶ At the

¹ Trevelyan, as above, 122-123, where sources are cited.

² *Rot. Parl.*, III. 111; Powell, *East Anglia Rising*, 14; Réville, 180.

³ Wilkins, *Concilia*, III. 1-2; *Rot. Parl.*, II. 271; *Statutes*, I. 373-374; Knighton, II. 63; *Piers Plowman*, A. prol., 180.

⁴ Walsingham, *Hist. Angl.*, I. 459.

⁵ Trevelyan, as above, 200, 200-201; Réville, *Soulèvement*, 123-125.

⁶ His public confession of these views is dated 10 May, 1381 (*Past. Ziz.*, 115, p. 1.); but it is doubtful whether he had promulgated them just before this or at an earlier period. *Ibid.*, 104; cf. F. D. Matthew, *Eng. Hist. Review*, V. 329-330.

time of his death he had not rejected the celebration of the mass, as is shown by the fact that he died while hearing it. These demands of the insurgents are not only in themselves radical, but in one respect they go further than any religious requirements ever made in England, viz., in their democratic tendencies. From the economic standpoint this was the most democratic reformation of the church ever proposed.

GEORGE KRIEHN.

WHO BURNED COLUMBIA?

THE story goes that when General Sherman lived in New York City, which was during the last five years of his life, one night at a dinner-party when he and an ex-Confederate general who had fought against him in the southwest were the chief guests, an Englishman present, not actuated by malice but blundering through ignorance, asked innocently who burned Columbia? Had bombshells struck the tents of these generals during the war, they would not have caused half the sensation to them that did this question put with the laudable desire of information. The emphatic language of Sherman interlarded with the oaths he uttered spontaneously, the bitter charges of the Confederate, the pounding of the table, the dancing of the glasses, told the Englishman that the bloody chasm had not been entirely filled. With a little variation and with some figurative meaning, he might have used the words of Iago: "Friends all but now, even now in peace; and then but now as if some planet had outwitted men, tilting at one another's breast in opposition. I cannot speak any beginning to this peevish odds."

But the question which disturbed the New York dinner-party is a delight to the historian. Nothing can equal the pleasure he has in going through the mass of evidence, feeling that history is the best known where there are the most documents, and if he be of Northern birth he ought to approach the subject with absolute candor. Of a Southerner who had himself lost property or whose parents had lost property through Sherman's campaign of invasion, it would be asking too much to expect him to consider this subject in a judicial spirit. Even Trent, a moderate and impartial Southern writer whose tone is a lesson to us all, writes "of the much vexed question Who burned Columbia?": "It is hard to read Simms's stirring pages without coming to the conclusion that the sack of Columbia is one of the greatest crimes ever perpetrated by the troops of a civilized country."

Sherman, with his army of 60,000, left Savannah February 1, 1865, and reached the neighborhood of Columbia February 16. The next day Columbia was evacuated by the Confederates, occupied by troops of the fifteenth corps of the Federal army, and by

the morning of the 18th either three-fifths or two-thirds of the town lay in ashes. The facts contained in these two sentences are almost the only ones undisputed. We shall consider this episode most curiously if we take first Sherman's account, then Wade Hampton's, ending with what I conceive to be a true relation.

The city was surrendered by the mayor and three aldermen to Colonel George A. Stone at the head of his brigade. Soon afterwards Sherman and Howard, the commander of the right wing of the army, rode into the city; they observed piles of cotton burning and Union soldiers and citizens working to extinguish the fire, which was partially subdued. Let Sherman speak for himself in the first account that he wrote, which was his report of April 4, 1865. "Before one single public building had been fired by order," Sherman wrote, "the smouldering fires [cotton] set by Hampton's order were rekindled by the wind, and communicated to the buildings around. [Wade Hampton commanded the Confederate cavalry.] About dark they began to spread, and got beyond the control of the brigade on duty within the city. The whole of Woods' division was brought in, but it was found impossible to check the flames, which, by midnight, had become unmanageable, and raged until about 4 A. M., when the wind subsiding they were got under control.

"I was up nearly all night, and saw Generals Howard, Logan, Woods, and others, laboring to save houses and protect families thus suddenly deprived of shelter, and even of bedding and wearing apparel. I disclaim on the part of my army any agency in this fire, but, on the contrary, claim that we saved what of Columbia remains unconsumed. And without hesitation I charge General Wade Hampton with having burned his own city of Columbia, not with a malicious intent or as the manifestation of a silly 'Roman stoicism,' but from folly, and want of sense, in filling it with lint, cotton, and tinder. Our officers and men on duty worked well to extinguish the flames; but others not on duty, including the officers who had long been imprisoned there rescued by us, may have assisted in spreading the fire after it had once begun, and may have indulged in unconcealed joy to see the ruin of the capital of South Carolina." Howard, in his report, with some modification agrees with his chief, and the account in *The March to the Sea* of General Cox, whose experience and training fitted him well to weigh the evidence, gives at least a partial confirmation to Sherman's theory of the origin of the fire.

I have not, however, discovered sufficient evidence to support the assertion of Sherman that Wade Hampton ordered the cotton

in the streets of Columbia to be burned. Nor do I believe Sherman knew a single fact on which he might base so positive a statement.¹ It had generally been the custom for the Confederates in their retreat to burn cotton to prevent its falling into the hands of the invading army, and because such was the general rule Sherman assumed that it had been applied in this particular case. This assumption suited his interest, as he sought a victim to whom he might charge the burning of Columbia. His statement in his *Memoirs*, published in 1875, is a delicious bit of historical naïveté. "In my official report of this conflagration," he wrote, "I distinctly charged it to General Wade Hampton, and confess I did so pointedly, to shake the faith of his people in him, for he was in my opinion boastful and professed to be the special champion of South Carolina."

Instead of Hampton giving an order to burn the cotton, I am satisfied that he urged Beauregard, the general in command, to issue an order that this cotton should not be burned, lest the fire might spread to the shops and houses, which for the most part were built of wood, and I am further satisfied that such an order was given. Unfortunately the evidence for this is not contemporary. No such order is printed in the *Official Records*, and I am advised from the War Department that no such order has been found. The nearest evidence to the time which I have discovered is a letter of Wade Hampton of April 21, 1866, and one of Beauregard of May 2, 1866. Since these dates, there is an abundance of evidence, some of it sworn testimony, and while it is mixed up with inaccurate statements on another point, and all of it is of the nature of recollections, I cannot resist the conclusion that Beauregard and Hampton gave such an order. It was unquestionably the wise thing to do. There was absolutely no object in burning the cotton, as the Federal troops could not carry it with them and could not ship it to any seaport which was under Union control.

An order of Beauregard issued two days after the burning of Columbia and printed in the *Official Records* shows that the policy of burning cotton to keep it out of the hands of Sherman's army had been abandoned. Sherman's charge, then, that Wade Hampton burned Columbia, falls to the ground. The other part of his account, in which he maintained that the fire spread to the buildings from the smouldering cotton rekindled by the wind, which blew a gale, deserves more respect. His report saying that he saw cotton

¹ In a letter presented to the Senate of the United States (some while before April 21, 1866) Sherman said: "I saw in your Columbia newspaper the printed order of Gen. Wade Hampton that on the approach of the Yankee army all the cotton should be burned." (*South. Hist. Soc. Papers*, Vol. VII., p. 156.)

afire in the streets was written April 4, 1865, and Howard's in which the same fact is stated was written April 1, very soon after the event, when their recollection would be fresh. All of the Southern evidence (except one most important of all) is to the effect that no cotton was burning until after the Federal troops entered the city. Many Southerners in their testimony before the British and American mixed commission under examination and cross-examination swear to this; and Wade Hampton swears that he was one of the last Confederates to leave the city, and that, when he left, no cotton was afire, and he knew that it was not fired by his men. But this testimony was taken in 1872 and 1873, and may be balanced by the sworn testimony of Sherman, Howard, and other Union officers before the same commission in 1872.

The weight of the evidence already referred to would seem to me to show that cotton was afire when the Federal troops entered Columbia, but a contemporary statement of a Confederate officer puts it beyond doubt. Major Chambliss, who was endeavoring to secure the means of transportation for the Confederate ordnance and ordnance stores, wrote, in a letter of February 20, that at three o'clock on the morning of February 17, which was a number of hours before the Union soldiers entered Columbia, "the city was illuminated with burning cotton." But it does not nevertheless follow that the burning cotton in the streets of Columbia was the cause of the fire which destroyed the city. When we come to the true relation, we shall see that the preponderance of the evidence points to another cause.

February 27, ten days after the fire, Wade Hampton, in a letter to Sherman, charged him with having permitted the burning of Columbia if he did not order it directly; and this has been iterated later by many Southern writers. The correspondence between Halleck and Sherman is cited to show premeditation on the part of the general. "Should you capture Charleston," wrote Halleck, December 18, 1864, "I hope that by some accident the place may be destroyed, and if a little salt should be sown upon the site it may prevent the growth of future crops of nullification and secession." Sherman thus replied six days later: "I will bear in mind your hint as to Charleston, and don't think salt will be necessary. When I move, the Fifteenth Corps will be on the right of the Right Wing, and their position will bring them naturally into Charleston first; and if you have watched the history of that corps you will have remarked that they generally do their work up pretty well. The truth is, the whole army is burning with an insatiable desire to wreak vengeance on South Carolina. I almost tremble

at her fate, but feel that she deserves all that seems in store for her. . . . I look upon Columbia as quite as bad as Charleston."

The evidence from many points of view corroborating this statement of the feeling of the army towards South Carolina is ample. The rank and file of Sherman's army were men of some education and intelligence; they were accustomed to discuss public matters, weigh reasons, and draw conclusions. They thought that South Carolina had brought on the civil war, was responsible for the cost and bloodshed of it, and no punishment for her could be too severe. That was likewise the sentiment of the officers. A characteristic expression of the feeling may be found in a home letter of Colonel Charles F. Morse, of the second Massachusetts, who speaks of the "miserable, rebellious State of South Carolina." "Pity for these inhabitants," he further writes, "I have none. In the first place, they are rebels, and I am almost prepared to agree with Sherman that a rebel has no rights, not even the right to live except by our permission."

It is no wonder, then, that Southern writers, smarting at the loss caused by Sherman's campaign of invasion, should believe that Sherman connived at the destruction of Columbia. But they are wrong in that belief. The general's actions were not so bad as his words. Before his troops made their entrance he issued this order: "General Howard will . . . occupy Columbia, destroy the public buildings, railroad property, manufacturing and machine shops, but will spare libraries and asylums and private dwellings." That Sherman was entirely sincere when he gave this order, and that his general officers endeavored to carry it out cannot be questioned. A statement which he made under oath in 1872 indicates that he did not connive at the destruction of Columbia. "If I had made up my mind to burn Columbia," he declared, "I would have burnt it with no more feeling than I would a common prairie dog village; but I did not do it."

Other words of his exhibit without disguise his feelings in regard to the occurrence which the South has regarded as a piece of wanton mischief. "The ulterior and strategic advantages of the occupation of Columbia are seen now clearly by the result," said Sherman under oath. "The burning of the private dwellings, though never designed by me, was a trifling matter compared with the manifold results that soon followed. Though I never ordered it and never wished it, I have never shed many tears over the event, because I believe it hastened what we all fought for, the end of the war." It is true that he feared previous to their entry the burning of Columbia by his soldiers, owing to their "deep-seated feeling of

hostility" to the town, but no general of such an army during such a campaign of invasion would have refused them the permission to occupy the capital city of South Carolina. "I could have had them stay in the ranks," he declared, "but I would not have done it under the circumstances to save Columbia."

Historical and legal canons for weighing evidence are not the same. It is a satisfaction, however, when after the investigation of any case they lead to the same decision. The members of the British and American mixed commission (an Englishman, an American and the Italian Minister at Washington), having to adjudicate upon claims for "property alleged to have been destroyed by the burning of Columbia, on the allegation that that city was wantonly fired by the army of General Sherman, either under his orders or with his consent and permission," disallowed all the claims, "all the commissioners agreeing." While they were not called upon to deliver a formal opinion in the case, the American agent was advised "that the commissioners were unanimous in the conclusion that the conflagration which destroyed Columbia was not to be ascribed to either the intention or default of either the Federal or Confederate officers."

Recapitulating then what I think I have established: Sherman's account and that of the Union writers who follow him cannot be accepted as history. Neither is the version of Wade Hampton and the Southern writers worthy of credence. Let me now give the true relation. My authorities are the contemporary accounts of six Federal officers, whose names will appear when the evidence is presented in detail; the report of Major Chambliss of the Confederate army; "The Sack and Destruction of Columbia," a series of articles in the *Columbia Phoenix*, written by William Gilmore Simms and printed a little over a month after the event; and a letter written from Charlotte, February 22, to the *Richmond Whig*, by F. G. de F., who remained in Columbia until the day before the entrance of the Union troops.

Two days before the entrance of the Federal troops, Columbia was placed under martial law, but this did not prevent some riotous conduct after night and a number of highway robberies; stores were also broken into and robbed. There was disorder and confusion in the preparations of the inhabitants for flight; it was a frantic attempt to get themselves and their portable belongings away before the enemy should enter the city. "A party of Wheeler's Cavalry," wrote this correspondent of the *Richmond Whig*, "accompanied by their officers dashed into town [February 16], tied their horses, and as systematically as if they had been bred to the busi-

ness, proceeded to break into the stores along Main Street and rob them of their contents." Early in the morning of the 17th, the South Carolina railroad depot took fire through the reckless operations of a band of greedy plunderers, who while engaged in robbing "the stores of merchants and planters, trunks of treasure, wares and goods of fugitives," sent there awaiting shipment, fired, by the careless use of their lights, a train leading to a number of kegs of powder; the explosion which followed killed many of the thieves and set fire to the building. Major Chambliss, who was endeavoring to secure the means of transportation for the Confederate ordnance and ordnance stores, wrote: "The straggling cavalry and rabble were stripping the warehouses and railroad depots. The city was in the wildest terror."

When the Union soldiers of Colonel Stone's brigade entered the city, they were at once supplied by citizens and negroes with large quantities of intoxicating liquor, brought to them in cups, bottles, demijohns, and buckets. Many had been without supper, and all of them without sleep, the night before, and none had eaten breakfast that morning. They were soon drunk, excited, and unmanageable. The stragglers and "bummers," who had increased during the march through South Carolina, were now attracted by the opportunity for plunder and swelled the crowd. Union prisoners of war had escaped from their places of confinement in the city and suburbs, and joining their comrades were eager to avenge their real or fancied injuries. Convicts in the jail had in some manner been released. The pillage of shops and houses and the robbing of men in the streets began soon after the entrance of the army. The officers tried to preserve discipline. Colonel Stone ordered all the liquor to be destroyed, and furnished guards for the private property of citizens and for the public buildings; but the extent of the disorder and plundering during the day was probably not appreciated by Sherman and those high in command. Stone was hampered in his efforts to preserve order by the smallness of his force for patrol duty and by the drunkenness of his men. In fact, the condition of his men was such that at eight o'clock in the evening they were relieved from provost duty, and a brigade of the same division, who had been encamped outside of the city during the day, took their place. But the mob of convicts, escaped Union prisoners, stragglers and "bummers," drunken soldiers and negroes, Union soldiers who were ardent in their desire to take vengeance on South Carolina, could not be controlled. The sack of the city went on, and when darkness came the torch was applied to many houses; the high wind carried the flames from building to building, until the best

part of Columbia—a city of eight thousand inhabitants—was destroyed.

Colonel Stone wrote, two days afterwards: "About 8 o'clock the city was fired in a number of places by some of our escaped prisoners and citizens." "I am satisfied," said General W. B. Woods, commander of the brigade that relieved Stone, in his report of March 26, "by statements made to me by respectable citizens of the town, that the fire was first set by the negro inhabitants." General C. R. Woods, commander of the first division, fifteenth corps, wrote, February 21: "The town was fired in several different places by the villains that had that day been improperly freed from their confinement in the town prison. The town itself was full of drunken negroes and the vilest vagabond soldiers, the veriest scum of the entire army being collected in the streets." The very night of the conflagration he spoke of the efforts "to arrest the countless villains of every command that were roaming over the streets."

General Logan, commander of the fifteenth corps, said, in his report of March 31: "The citizens had so crazed our men with liquor that it was almost impossible to control them. The scenes in Columbia that night were terrible. Some fiend first applied the torch, and the wild flames leaped from house to house and street to street, until the lower and business part of the city was wrapped in flames. Frightened citizens rushed in every direction, and the reeling incendiaries dashed, torch in hand, from street to street, spreading dismay wherever they went."

"Some escaped prisoners," wrote General Howard, commander of the right wing, April 1, "convicts from the penitentiary just broken open, army followers, and drunken soldiers ran through house after house, and were doubtless guilty of all manner of villanies, and it is these men that I presume set new fires farther and farther to the windward in the northern part of the city. Old men, women, and children, with everything they could get, were herded together in the streets. At some places we found officers and kind-hearted soldiers protecting families from the insults and roughness of the careless. Meanwhile the flames made fearful ravages, and magnificent residences and churches were consumed in a very few minutes." All these quotations are from Federal officers who were witnesses of the scene and who wrote their accounts shortly after the event, without collusion or dictation. They wrote too before they knew that the question, Who burned Columbia? would be an irritating one in the after years. These accounts are therefore the best of evidence. It is not necessary to exclude one by an-

other. All may be believed, leading us to the result that all the classes named had a hand in the sack and destruction of Columbia.

When the fire was well under way, Sherman appeared on the scene, but gave no orders. Nor was it necessary, for Generals Howard, Logan, Woods, and others were laboring earnestly to prevent the spread of the conflagration. By their efforts and by the change and subsidence of wind, the fire in the early morning of February 18 was stayed. Columbia, wrote General Howard, was little "except a blackened surface peopled with numerous chimneys and an occasional house that had been spared as if by a miracle." Science, history, and art might mourn at the loss they sustained in the destruction of the house of Dr. Gibbes, an antiquarian and naturalist, a scientific acquaintance, if not a friend, of Agassiz. His large library, portfolios of fine engravings, two hundred paintings, a remarkable cabinet of southern fossils, a collection of sharks' teeth, "pronounced by Agassiz to be the finest in the world," relics of our aborigines and others from Mexico, "his collection of historical documents, original correspondence of the Revolution, especially that of South Carolina," were all burned.

The story of quelling the disorder is told by General Oliver: "February 18, at 4 A. M., the Third Brigade was called out to suppress riot; did so, killing 2 men, wounding 30 and arresting 370." It is worthy of note that, despite the reign of lawlessness during the night, very few, if any, outrages were committed on women.

JAMES FORD RHODES.

THE COMMERCIAL PRIVILEGES OF THE TREATY OF 1803

IN view of the interest taken in the constitutional questions arising out of the purchase of Louisiana because of their bearing upon our recent acquisitions of territory, it is rather surprising that no one has called attention to the fact that when Louisiana was admitted as a state into the Union, no regard was taken of the conflict of certain provisions of the treaty of 1803 with that clause of the Federal Constitution which specifies that "No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another."¹

The treaty with France which ceded Louisiana to the United States contained the following agreement:

"That the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandise, or other or greater tonnage than that paid by the citizens of the United States."²

By the tonnage act of 1790, a duty of only six cents per ton was laid upon ships of the United States, but thirty cents a ton was charged upon vessels built within the United States since 1789, which belonged wholly or in part to subjects of foreign powers, and fifty cents per ton upon all other ships or vessels.³ An additional duty of ten per cent. was levied by the tariff acts upon all goods imported in ships or vessels not of the United States.⁴ It was from these "discriminating duties," as they were called, that the French and Spanish ships were exempted by the treaty for twelve years in the ports of Louisiana.⁵

¹ Article I., Section 9.

² Article VII.

³ Act of July 20, 1790, Chap. 30. *U. S. Stat. at Large*, I. p. 135.

⁴ Cf., e. g., Acts of July 4, 1789, Chap. 2; Jan. 29, 1795, Chap. 17, and March 3, 1797, Chap. 10. *U. S. Stat. at Large*, I. pp. 24, 411 and 503.

⁵ At different times there were various temporary acts laying additional duties, but the duties noted were practically permanent and are the ones that were always cited in the diplomatic negotiations, of which they were the frequent subject.

The twelve years, during which these privileges were granted, were to "commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States."¹ The ratifications of the treaty were exchanged in Washington on October 21, 1803, and this fact was announced in *Le Moniteur* of December 21 of the same year. Even if this be not the exact date of the formal notification to France, it is evident that by the terms of the treaty these privileges were granted from some day early in the year 1804 to a corresponding date in 1816, and Louisiana was formally admitted as a state into the Union on April 30, 1812. For nearly four years, therefore, if the provisions of the treaty of 1803 remained in force, the ports of Louisiana enjoyed privileges in commerce with France and Spain that were not granted to the ports of any other state.

When the treaty of 1803 was before Congress, objections were made to the commercial privileges granted by the seventh article on the specific ground that these privileges were contrary to the clause of the Constitution already cited. Other interpretations were offered, but the explanation most frequently given, and apparently most acceptable, was to the effect that this clause of the Constitution referred only to the states, and as Louisiana was not a state, but a territory, that clause was not applicable in this instance.²

It seems scarcely possible, therefore, that, when the bill for the admission of Louisiana into the Union was before Congress in 1811, this point of conflict of the treaty with the Constitution was not raised, and yet such appears to have been the case. It is true that the debate over the admission of Louisiana was not a long one³ and that it was several times interrupted by matters of more pressing importance, such as the re-charter of the national bank, the commercial and other complications with England, so soon to culminate in war. Yet the opposition to the admission of Louisiana was very bitter. Objections of all sorts were raised, but no one seems to have noticed the fact that by the admission of Louisiana as a state the commercial privileges of the treaty came into direct conflict with the provisions of the Federal Constitution. When one remembers the keenness with which every point in the treaty was discussed in 1803,

¹ Article VII.

² Cf., e. g., statements by Nicholson, of Maryland; Rodney, of Delaware; Mitchell, of New York, and Elliot, of Vermont. *Annals of Cong.*, 8th Cong., 1st Sess., 471, 475, 482 and 450.

³ In the Senate practically no debate at all is recorded and in the House the bill was only briefly debated on seven days in the course of two weeks. *Annals of Cong.*, 11th Cong., 3rd Sess., pp. 97-127, 482-579.

and the acuteness of New Englanders on all constitutional questions, and remembers also that the New Englanders were especially strong in their opposition to the admission of Louisiana, this oversight seems the more remarkable.

As careful a study of the records as time and opportunity have permitted establishes the belief that this conflict escaped the notice of every one at the time. And this belief is confirmed by the statement of John Quincy Adams in 1821, that "No question appears to have arisen at the time of the admission of the State upon the application of this article, and the privilege of French and Spanish vessels was never, in fact, denied them during the term for which they were entitled by the article to claim it."¹

It was several years after the admission of Louisiana as a state and not until after the term of these commercial privileges had expired that our government became aware of the manner in which the Constitution had been disregarded in permitting these commercial privileges to continue. It is quite possible that these privileges were never of much moment either financially or commercially, and it is probable that the non-observance of the constitutional prohibition was due to inadvertence in time of war. But inasmuch as the Constitution was plainly disregarded, it is interesting to learn the way by which the attention of our government was called to this omission.

Shortly after the War of 1812 the United States adopted a plan of reciprocity. The discriminating tonnage duties on foreign vessels were repealed "in favour of any foreign nation, whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States, have been abolished."² England promptly availed herself of this offer,³ and a little later the Netherlands, Sweden, Prussia and certain of the Hanseatic cities did the same,⁴ but France declined or neglected to take advantage of this opportunity.⁵

It was not long before the masters of French merchant ships began to protest both to their own government and to the United States local authorities that discriminations were made against

¹ Adams to de Neuville, June 15, 1821. *Amer. State Papers, For. Rel.*, V., p. 182.

² *U. S. Stat. at Large*, Mar. 3, 1815, Chap. 77.

³ *Amer. State Papers, For. Rel.*, Vol. IV., p. 7.

⁴ President's Message at first Session of 17th Congress. *Ibid.*, p. 738.

⁵ There were additional acts passed laying heavier tonnage duties in certain instances. These were evidently retaliatory and culminated in the Act of May 15, 1820, Chap. 126, which imposed a tonnage duty of \$18 per ton on all French vessels entered in the United States.

French vessels and that they were no longer treated in the ports of Louisiana upon the footing of the most favored nation. Acting under instructions from his government, the French minister to the United States, Baron de Neuville, looked into the matter and then in 1817 lodged a formal complaint with our Secretary of State. He protested against the advantages that were granted to Great Britain in all the ports of the United States, and insisted that similar privileges should be accorded to France in the ports of Louisiana, in accordance with the eighth article of the treaty of 1803 which stipulated that "in future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favored nations in the ports above mentioned."¹ In answer to this complaint, the Secretary of State, John Quincy Adams, replied that French vessels were treated upon the footing of the most favored nation; that the English vessels enjoyed this advantage only for a full equivalent; and that it would be possible for France to obtain "every advantage enjoyed by the vessels of Great Britain upon the fair and just equivalent of reciprocity," not only in the ports of Louisiana but in those of all the United States. He further insisted that to admit French vessels into the ports of Louisiana upon the payment of the same duties as vessels of the United States would be contrary to the provision of the Constitution which declares "that no preference shall be given to the ports of one state over those of another."²

It was in response to this that de Neuville called attention to the fact that such privileges had been enjoyed in 1815 in spite of apparent constitutional difficulties, and asked why, if this were done in 1815, it could not be repeated now.³

If one were to judge simply by outward appearances, it would seem as if the dilemma were one from which our Secretary of State saw no way of escape. For although communications were frequently exchanged between the representatives of the two governments, no attempt was made to answer the questions that the French minister had propounded. It was not until two years later, after a special request from de Neuville for a reply to his letter of June 16, 1818, that Adams took up this matter. He then stated that whether the commercial privileges of the treaty of 1803 were compatible with the Constitution of the United States was a question for the Senate to decide; but that whether the claim advanced by France was reconcilable with the Constitution of the United

¹ De Neuville to Adams, December 15, 1817. *Amer. State Papers, For Rel.* Vol. V., p. 152.

² Adams to de Neuville, December 23, 1817. *Ibid.*, pp. 152-153.

³ De Neuville to Adams, June 16, 1818. *Ibid.*, pp. 154-155.

States was not a question of construction or of implication. It was directly contrary to the constitutional provision that the regulations of commerce and revenue in the ports of all *states* of the Union should be the same. He further said :

"The admission of the State of Louisiana, in the year 1812, *on an equal footing with the original States* in all respects whatever, does not impair the force of this reasoning, although the admission of French and Spanish vessels into their ports for a short remnant of time upon different regulations of commerce and revenue from those prescribed in the ports of all the other States in the Union, gave them a preference not sanctioned by the Constitution, and upon which the other States might, had they thought fit, have delayed the act of admission until the expiration of the twelve years ; yet as this was a condition of which the other States might waive the benefit for the sake of admitting Louisiana, sooner even than rigorous application would have required, to the full enjoyment of all the rights of American citizens, this consent of the only interested party to anticipate the maturity of the adopted child of the Union can be considered in no other light than a friendly grant in advance of that which, in the lapse of three short years, might have been claimed as of undeniable right."¹

A few weeks later Adams added :

"Whatever transient and inadvertent departure, in favor of the inhabitants of Louisiana, from the principles of the Constitution, may have occurred, is a question of internal administration in this Government, from which France has received no wrong and of which, therefore, she can have no motive to complain."²

After one more retort from the French minister, this question was dropped in the negotiations for the convention which was consummated in 1822.

The whole matter is not of vital importance. France had nothing of which to complain. It might even be decided that the Constitution was not infringed. The Constitution provides that no preference shall be given by any *regulation of commerce or revenue* to the ports of one state over those of another. The act for the admission of a state can hardly be regarded as a regulation of commerce or revenue, unless it be interpreted as such because commerce is thereby affected. Or possibly Madison's explanation might be accepted : that this privilege was not the result of ordinary legislative power in Congress ; that this privilege was "in the deed of cession, carved by the foreign owner out of the title conveyed to the purchaser," and that the United States never possessed entire power over that territory as over the original territory of the United States.³ But in view of the stress that has always been laid upon

¹ Adams to de Neuville, March 29, 1821. *Ibid.*, pp. 164-165.

² Adams to de Neuville, June 15, 1821. *Ibid.*, p. 182.

³ Letter to Robert Walsh, November 27, 1819. *Madison's Writings*, Vol. III. pp. 153-154.

The date of the letter renders it probable that Madison's attention was called to this difficulty by the administration after France had raised the question.

the fact that such commercial privileges in the case of Louisiana, the Floridas, and the Philippines were not granted in the ports of a *state*, and in view of Adams's frank admission that, under the circumstances, there had been a virtual suspension of a provision of the Constitution, one cannot avoid the feeling that, had the circumstances been generally known, public opinion would have regarded the continuance of the commercial privileges after Louisiana became a state as a breach of the Constitution, no matter how the difficulty might have been avoided by technical interpretation.¹ At any rate the point is of historical interest both for itself and because it apparently escaped the notice of those of the time, to whose distinct advantage it would have been to call attention to it, and also because it came up at a later date to embarrass our negotiations with France.

MAX FARRAND.

¹ It would seem as if Attorney-General Griggs must have been aware of this difficulty, and thought it best not to refer to it, for in his "Argument" in the recent "Insular Cases" before the Supreme Court he cited passages from Adams's letter to de Neuville of June 15, 1821, and only a few lines farther on this constitutional objection is stated in unmistakable terms. *The Insular Cases*, Government Printing Office, Washington, 1901, pp. 339-340.

DOCUMENTS

The Papers of Sir Charles R. Vaughan, 1825-1835.

(Concluding Installment.)

VAUGHAN'S arrival in America almost coincided with the opening of the dispute concerning the northeastern boundary.¹ Those who are familiar with the difficulties about boundaries which fill so large a place in the colonial history of the eighteenth century know that in most cases the question became acute, not through any formal assertion of a claim by a colonial government but through the refusal of individual citizens to accept the jurisdiction of the colony which claimed their allegiance, on the plea that they were outside its boundaries. So it was in this case. The treaty of 1783 had arrived at a supposed solution of the boundary question which was in reality no solution. Owing to the lack of local knowledge and a proper survey, terms were used to define the boundary which were in reality unmeaning. But the zone of country affected, the debatable land as one may call it, remained unoccupied and the difficulty therefore unheeded down till about 1825. Then as it would seem, individual settlers from Maine began to dispute the authority of the New Brunswick government surveyors. American land agents too were impressing on the settlers that they must get titles for their holdings from the governments of Maine or Massachusetts, as the case might be. In March, 1827, we find Vaughan telling Canning in a despatch that Clay has promised to restrain the governors of Maine and Massachusetts from any encroachments on the territory in dispute. That this was not without effect is clearly shown by a proclamation dated September 5, 1827, which is among the Vaughan papers, by which the governor of Maine tells certain citizens to abstain from any independent action of the nature of encroachment and if they are wronged to trust to their government to obtain redress. Yet it is clear from the correspondence between Vaughan and the governor of New Brunswick, Sir Howard Douglas, that encroachments still went on and that timber-cutting and occupation were taking place on the territory in dispute.

Vaughan at once saw that the present loss or inconvenience was a small part of the matter. The real danger was that the Amer-

¹ The comments on the letters that follow are by Mr. John A. Doyle, who wrote the introduction to the documents with a sketch of Vaughan's early career.—ED.

icans might secure a frontier so near the St. Lawrence as to be a source of danger in time to come. One of his letters to Douglas clearly shows that he had grasped the temper of New England. "I find I have a tough, tenacious people to deal with here, which requires great firmness and above all great temper in those who have to deal with them." Vaughan's letters too show that he was quickly beginning to understand the *arcana imperii* of the United States. The Federal government is anxious to be just and even conciliatory but it lacks firmness in dealing with its constituent members. Even Jackson strong-willed as he is and well-disposed to England cannot forget that he will be a candidate for re-election and must consider the vote of Maine. And at a somewhat later stage of the dispute Vaughan writes that Jackson is showing "not the force . . . of his own character, but the temporizing character of Van Buren." He adds that "The United States Government is always timid when it apprehends collision with any State." And in the same strain he writes to Palmerston in April, 1831, "Whenever the executive part of this government is by accident in collision with the government of a State the policy of the former is generally of a feeble and temporizing character." Yet Jackson in his message of 1830 says that "the negotiations have been characterized by the most frank and friendly spirit on the part of Great Britain and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States." It is clear enough what was Jackson's attitude in this dispute. He was anxious to avoid collision and willing to do much for that end. Yet he could not afford openly and definitely to tell Maine and Massachusetts that the Federal government would not support their claim.

In 1827 it seemed as if a solution had been found. The question was referred to the King of the Netherlands as arbitrator. His award was issued in 1831. Unfortunately it took a form which rendered it open to dispute. He admitted that no exact boundary as set forth in the terms of the treaty of 1783 could be found. But he recommended the two governments to accept a boundary which equitably represented the intentions of the treaty of 1781. The American government declined to accept this on the plea that the reference to the arbitrator simply authorized him to interpret the treaty and that it was beyond his authority to recommend a compromise. Maine furthermore refused to accept the arbitration on the curious plea that the King of the Netherlands was no longer in the same position as when appointed as he had lost three-fifths of his subjects by the separation of Belgium and was now dependent on the good-will of Great Britain.

The further course of the dispute may be best learned from the following papers :

XII. CHARLES R. VAUGHAN TO THE EARL OF ABERDEEN.

WASHINGTON. 12. Octr. 1830.

My Lord,—I received on the 12 Augst. a letter (a copy of which I have the honor to inclose), dated the 5th. July, from Mr. Black, who in the absence of His Majesty's Lt. Governor of New Brunswick, Sir Howard Douglas, administers the Govt. of the Province. Mr. Black informed me in this letter, that the marshal of a district, in the State of Maine, had sent a deputy into the territory in dispute between his Majesty and the United States, with instructions to take a census of the population, as though the inhabitants belonged decidedly to the United States.

It appears by the copy of the instructions, inclosed in Mr. Black's letter, given by the Marshal of Maine to his Deputy Genl. Webber, that the census was to be taken in that part of the county of Penobscot called the Madawaska Settlements and also in all the settlements upon the Aroostook river. General Webber was ordered to desist from taking a census by a magistrate acting under the Government of New Brunswick, and he readily complied with his orders, and retired from the disputed territory. As the General Government has not in any shape notified this proceeding to me, from whence I infer, that they acquiesce in the right of the British authorities to require the agent from Maine to desist from taking a census, I have not thought it necessary to demand of this Government a formal disavowal of such conduct.

Ever since the election of General Jackson to be President of the United States, the complaints on the part of the Government of the State of Maine of the encroachments by British authority, upon the disputed territory, which were so frequent under the preceding administration, have been discouraged, and have ceased. I trust therefore that your Lordship will approve of my having declined to renew the discussion of jurisdiction in the disputed territory, while I have expressed to Mr. Black in a letter a copy of which is inclosed, my readiness at all times to meet the wishes of the Government of New Brunswick, and the satisfaction which I derived, from the proper and successful resistance of the magistrates to the intrusion of General Webber.

XIII. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

LONDON

30 July 1832

My Lord. . . . Certainly no people live under a form of Government which offers so many difficulties and uncertainties, in negotiations with Foreign Governments, as the United States. The examples are not unfrequent, of Treaties being rejected by the Senate, which have been concluded after long and tiresome negotiations by Plenipotentiaries appointed by the Executive.

As I have already stated the final settlement of the boundary question is not of importance to the Americans, but in my opinion it is of urgent necessity, on the part of Great Britain, if we wish to preserve undisturbed our relations with the United States. The moment that the rejection of the decision of the arbitrator is decided upon by the United States, the Province of New Brunswick must be placed in a safe defensive state by the arming of the Militia and the Governor will, as before the Arbitration, be in a constant state of collision with the State of Maine about encroachments and disobedience of the Americans settled in and near the Province, and about the exercise of jurisdiction over the disputed territory, which clearly belongs to England, until that portion of New Brunswick which is yet in abeyance between the two Governments, shall have been finally set off and separated by a settlement of the boundary.

One essential point in that settlement is a secure communication between the Province of New Brunswick and Lower Canada, which I have been given to understand might without difficulty be preserved, should we be obliged to abandon the Post Route hitherto used through the disputed Territory, by a very easy and practicable line, entirely through British Territory.

XIV. CHARLES R. VAUGHAN TO VISCOUNT GODERICH.

LONDON

7th Feb. 1833

My Lord. . . . In addition to the above motives for not hastily closing with this offer to negotiate, a new pretension by command of the Senate has been inseparably attached to it, namely, a right to the navigation of the river St John. To concede this right would place the British subjects in New Brunswick in competition in their valuable Timber Trade, with the Americans, who would find an outlet for the timber from the vast Forests of Maine by that River, the military defences of New Brunswick on the Frontier of the United States would be turned, and the concession of the principal must open to the Americans the Navigations of the St Lawrence.

I consider the last clause in the offer to negotiate, as the probable motive for the rejection of the decision of the King of the Netherlands. The navigation of the St John's has long been an object of great importance with the people of Maine. The facility with which the Americans put forward a pretention, and the pertinacity with which they will insist upon it, makes one inclined, at once, in such a case as the navigation of the St John's to insist upon its being withdrawn as connected with the settlement of the Boundary as it involves interests which require consideration.

It is my opinion that the sooner this pretention is rejected the better, for so long as there is a chance of Great Britain admitting it to be a question fit for negotiation, in combination with the Settlement of the

Boundary, there is no chance of the Senate in some future Session reversing and revoking their rejection of the Boundary line suggested by the King of the Netherlands.

There was a minority of 8 to 34 who voted for accepting that line. The President and his ministers were disposed to acquiesce and I cannot but feel inclined to believe that when the pretention to navigate the St John's is decidedly rejected, that the Americans will be convinced that they are putting themselves into the wrong, by not acquiescing, as Great Britain has done, in the decision of the King of the Netherlands. I take it for granted that H.M. Government are not inclined to retract their declaration of willingness to agree to that line of Boundary.

I submit these observations to H.M. Government, as I conceive that the time is arrived when an answer must be given to the offer of the President to negotiate and the rejection of the Navigation of the St John's might be declared in any note which the British Government might think it right to send to the Government of the United States, should it be thought expedient formally and officially to demand further explanation before it can decide upon the expediency of entering in-to a negotiation.

In my opinion, the best termination of the Boundary question, would be that the Government of the United States should reconsider and acquiesce in the Boundary proposed by the King of the Netherlands. Should they ultimately consent to do so, it might afterwards be worth while to remove them by negotiation from the St Francis River, and from the Northern side of the St John's by some equivalent elsewhere.

There are certain difficulties attending all negotiations with the United States, peculiar to their Constitution of Government, which ought to induce a reluctance in Foreign Powers hastily to embark in negotiations with them. I allude to the subserviency of the Executive to the dictates and interests of the State to be principally affected by the result, and to the share or participation which the Senate has in making Treaties.

A negotiation at Washington for adjusting the Boundary, would be in fact a negotiation with the State of Maine carried on through the medium of the Executive. The President Jackson having now secured his re-election for the second term of four years, might be less inclined to attend to all the interested views of Maine, than during the last summer, but any Treaty concluded by Plenipotentiaries, and with his perfect approval, must be submitted to the Senate for their confirmation before it can be offered for ratification. The Senate has repeatedly undertaken to discuss a Treaty, as though it had not been framed by persons authorized to make it, and to alter it at their pleasure and even to reject it.

A treaty upon the Boundary would be submitted to a Senate composed of two thirds of the members, who have already prejudged the British claims, and decided in favour of the claims of Maine, when they rejected the line of Boundary proposed by the King of the Netherlands.

I venture to submit to your Lordship's consideration, the expediency of making a stand upon the decision of the King of the Netherlands in hopes that when the pretention to navigate the St John's is positively refused to be considered as a part of the Boundary Question, the Senate may revise and revoke its resolution of July last.

I could not, without far exceeding the space at my disposal, trace the complex disputes arising out of the commercial relations between the United States and Great Britain. If Vaughan's American informants are to be believed, that dispute would in all likelihood never have arisen, or never at least become acute, but for the self-will and lack of candor of John Quincy Adams. Vaughan gives an account of a remarkable conversation that he had with Tazewell¹ of Virginia. According to Tazewell, when Adams was intrusted with the negotiations with Lord Castlereagh, he refused certain commercial concessions which would have obviated all future difficulty on the ground that they were dogged by conditions which would give the British government influence over the Indians on the American frontier. Castlereagh offered to revise these conditions in whatever manner Adams would suggest. "Mr Tazewell," Vaughan goes on to say, "assured me that he could never forgive Mr Adams for sending to his Government the proposals of Lord Castlereagh accompanied by a despatch containing his suspicions without one word of the frank disavowal of Lord Castlereagh. Had Mr Adams recommended the acceptance of these proposals, it has been observed in a newspaper (New York Evening Post, October 6, 1830) 'twelve years legislative war would have been avoided, and a commerce secured to the United States more valuable than with any other country than Great Britain.'"

To this Vaughan appends a marginal note "A committee of the House pronounced these proposals to be the most rational and reciprocally advantageous ever proposed."

Vaughan's arrival in America coincided with the conflict on the question of trade assuming an acute form. Up to 1825 the only measures of the nature of protection and exclusion had been on the side of America. The natural conditions of West Indian trade were that British vessels could load with West Indian produce and transport it to the ports of the United States on cheaper and easier terms than American vessels could. This, as a natural consequence by handicapping American vessels on their return voyage, tended to withdraw them altogether from the West Indian trade. Moreover, although the British government did not exclude American goods

¹ Littleton W. Tazewell, 1774-1860; Senator from Virginia, 1825-1833; for some time chairman of committee on foreign relations.—ED.

and American vessels from its colonial ports collectively, yet it did in individual cases. By custom house regulations certain ports were thrown open to certain goods. And it was alleged that this was so arranged that American vessels were, not excluded, but deterred from attending those ports from which the return voyage was most lucrative. To meet these restraints the American government imposed heavy differentiating duties depriving British vessels of their advantage. An act of Parliament in 1825 authorized the King by an order in council to close the British colonial ports to American vessels until the discriminating duties were withdrawn.

The conflict of views in the United States was not merely a question of local division. The tariff pressed with varying force on different victims of the industrial community. This is clearly pointed out in an extract from an American paper preserved by Vaughan. Producers of protected goods were not the only people who benefited by the tariff. Small importers gained because they were allowed credit for their duties and were thus mutually enabled to borrow capital. Common brokers gained because they charged their commission on the "long price" as it was called, that is the price paid by the importer after duty had been levied.

Vaughan's letters during 1826 and 1827 throw frequent light on the course of the dispute.¹ On the 2d of October, 1826, he reports a preliminary skirmish with Clay. The latter expressed surprise at the Act of 1825 being passed without any attempt at negotiation. Vaughan replied that the British government had given full notice of its intention, and that since then there had been nothing in the action of Congress to suggest any change of purpose.

In February, 1827, Vaughan wrote hopefully to Sir Howard Douglas the governor of New Brunswick. The United States government was, he thought, ready to meet Great Britain half way. If the British government would relax their protective system, America would, he believes, open her ports to British vessels and abolish the differentiating duties. Moreover the United States government would not demand that American produce imported into the West Indies should be put on the same footing as that coming from British colonies in North America.

Vaughan saw too that in this matter the government of the United States was not wholly in touch with public opinion. "With regard to the impression made upon the public as it is to be collected from newspapers there is less expression of angry feeling

¹ Gallatin was appointed minister to succeed King and to reach agreement with England on various controversies. Gallatin's letters on this subject are gathered in Adams's *Writings of Albert Gallatin*, Vol. II. Correspondence between Vaughan and Clay can be found in *Am. St. Papers, For. Rel.*, VI. pp. 257-259; 985.—ED.

than is usual on such occasions and rather a regret manifested that the Government should not have avoided by its measures the loss of a very lucrative trade."

Ten days later Vaughan reports a conversation with Clay.

"Mr Clay has been in communication with the President who is still absent from Washington, upon the subject of the order in Council and I learn from him that when that order shall be carried into effect, it will in all probability be followed by a suspension on the part of the United States, of all intercourse, with our West Indian Islands, and with British North American Colonies. Upon my observing that according to my reading of the order in Council, the last-mentioned Colonies were exempted from the provisions of that order, he immediately replied that the Government of the United States could not fail to perceive in that exemption, a plan for making the British North American Colonies the deposits of American produce, to be carried afterwards from thence to the West Indies.

"Mr Clay seemed to think that there would be great difficulty in placing the trade between the United States and the British Colonies upon a fair footing of reciprocity and equality. He informed me, however, that after diligent enquiry he had convinced himself, that the claim was untenable which had been put forth by the United States, to have the produce of this country received in the British West Indian ports upon the same terms as the produce of British North American Colonies, of a similar description. It appears that the President, who always insisted upon this claim, has been persuaded by Mr Clay to abandon it and that Mr Gallatin is instructed to give up the point in his negotiations in London."

On the 30th of October Vaughan writes to Canning inclosing a newspaper article which he regards as inspired by the American government. Vaughan describes it as a labored justification of the government for not having abolished the discriminating duties. The noteworthy feature of the article is that it is not a defence of the protective system in itself. The writer only pleads on behalf of the government that the British government is not showing any inclination to meet the United States half way. The refusal on the part of the Senate to abolish the discriminating duties is justified upon the expediency of awaiting the result of negotiating to which it was necessary to resort, in order to settle a trade which had been the subject of controversy for thirty years and which would, otherwise, be still dependent upon acts of Parliament, upon orders in council and liable to such duties as the colonial legislatures might think proper to impose, from a view of their own insulated interests. In proof of the latter, notice is taken of an act of the legislature of Nova Scotia, imposing new duties upon articles imported from foreign countries, eight months after the acts of Parliament of 1825 were published.

In this article it is stated, that a power was left with the President of the United States to suspend the discriminating duties when-

ever satisfactory proof was given to him that like terms had been granted to American commerce and navigation in British colonial ports. This assertion is calculated to mislead the public, inasmuch as the *like terms* insisted upon included a relaxation of the whole colonial system of Great Britain, and when it was proposed to give that power to the President for the abolition of the discriminating duties imposed upon British vessels in American ports from British colonies, during the last session of Congress, the motion was dropped in the House of Representatives without any definite decision.

This article concludes with expressing a hope, that mutual concessions being made, the question "may come to an acceptable issue, at no distant period and if practicable before that prescribed for the recent sweeping order in Council to take effect shall have arrived; an order issued at nearly the very moment of the landing of a new minister from the United States, without his having an opportunity to hold a single conference with regard to it."

Upon the article Vaughan makes the following comment:

"This is not exactly correct, as I understand that Mr Gallatin had an audience with you, previously to the issue of the order in Council.¹

"With regard to the hope expressed in this article, I shall attend to the instructions which I have had the honor to receive from you contained in your Despatch No. 24, and I shall carefully abstain from giving any expectation that anything which Mr Gallatin can now bring forward will alter the determination of His Majesty's Government.

"The article which I have enclosed, taken from a newspaper published at New York, contains a refutation of the arguments brought forward in a Report of the Committee of Commerce against the abolition of the discriminating duties, made during the last Session of Congress, and points out many errors into which the Chairman of that Committee had fallen when treating of the British regulations of Foreign intercourse with the Colonies."

The matter was complicated by the existence of a trade between the West Indies and the British dependencies north of the United States, Canada and New Brunswick. It was possible for American vessels starting from their own ports to appropriate a portion of the carrying trade between these British colonies. This was facilitated by the fact that for a portion of the year the St. Lawrence was unnavigable. At such times the only outlet or inlet for Canadian exports and imports was by land and through the United States. It was, however, a fixed principle even with those who, like Huskisson, were for encouraging intercourse within certain limits between the United States and the West Indies that such intercourse should

¹The order in Council is in fact dated July 27. Gallatin reached London August 7. Gallatin had not seen the order on his first interview with Canning, August 17. *Am. St. Papers, For. Rel.*, VI. 249, 346.—ED.

not encroach on the trade between British dependencies. That was as much an internal trade, a legitimate national monopoly, as the trade between London and Newcastle. Again if the Americans limited their retaliation simply to vessels coming from the West India ports where the duties of which they complained were levied, then in all likelihood vessels from Canada and New Brunswick having free intercourse on the one hand with the United States and on the other with the West Indies, would get the carrying trade into their own hands. Clay's views on this latter point are referred to twice in Vaughan's letters.

On December 5, 1826, Vaughan writes :

"Mr Clay is under a conviction that the ports of the United States shall be closed to British vessels proceeding from British Colonies in which the late order in Council should be carried into effect, but that all intercourse shall likewise be prohibited with the British North American Colonies exempted from the operation of that order.

"Upon my observing to Mr Clay that in that case the new measure recommended to the adoption of the Congress went far beyond the retaliation provided for and marked out by the Act of 1823, Mr Clay justified the extent to be given to the provisions of a new act upon the grounds that the British North American Colonies could not be permitted to profit by the interruption of the intercourse between the United States and the West Indies."

And again on December 20th.

"I apprehend from my conversations with Mr Clay, that the Congress will direct all intercourse with British Colonies by vessels of any nation to be strictly prohibited.¹ Mr Clay observes to me, that to shut the ports of the United States to British vessels proceeding from British Colonial ports only, from whence vessels of the United States are excluded, is objectionable, as thereby the carrying of produce of the United States to the West Indies would be thrown into the hands of the inhabitants of the British North American Colonies. To shut the ports of the United States to all British vessels from all British colonies indiscriminately would throw the carrying trade between the United States and the West Indies into the hands of the Danes and other powers. There is therefore the only alternative left of preventing all intercourse with the West Indies."

What follows is more hopeful.

"There is certainly a disposition in the Congress to call the Government to account for having allowed the intercourse with the Colonies to be in the state in which it now is, and this question has been discussed in the newspapers and in society with more temper and moderation than I could have expected.

"Mr Clay continues to repeat to me the complaint of this Government that the bar to further negotiation respecting Colonial intercourse was sudden and unexpected, particularly as they had been informed in the month of March last, that His Majesty's Government was preparing

¹ Such a proclamation was issued March 17, 1827. *Am. St. Pap., For. Rel.*, VI. 985; *State Papers*, 1st Sess. 20th Cong., Vol. I., Doc. 2, p. 36.—ED.

to resume the suspended negotiations, of which the Colonial trade was a part.

“In answer to this, I have reminded Mr Clay of the remarkable forbearance shewn during the last year by the British Government. The Acts of Parliament in question were passed in the month of July 1825, and were to have been carried into effect in the month of January 1826. But they were allowed to remain inoperative so far as regarded the United States, until the late order in Council fixed upon the 1st of December of this year for that purpose.

“Mr Clay has complained to me that these Acts were not communicated officially to his Government, upon which I observed that I never heard that it was the usage of nations to communicate to foreign Governments their legislative enactments for the better governing of their States; that I did not understand that any official communication of these Acts of Parliament had taken place to any other of the foreign countries, equally interested in their operation as the United States. It could not however be alleged, that this Government remained in ignorance of those Acts, as I reminded Mr Clay, that it was in the month of December 1825, that on the occasion of a discussion in Congress relative to the threatened closure of the port of Halifax, he sent his copies of the Acts to the Congress, when they were ordered to be reprinted for the use of members.

“The forbearance of the British Government continued throughout the Session of Congress, during which the abolition of the American discriminating duties was discussed, as the removal of them was felt to be absolutely necessary, before the United States could participate in the British Colonial trade under the new acts.

“I have reminded Mr Clay that the long forbearance of the British Government had been met by a resolution of Congress to leave the abolition of discriminating duties to be a subject of negotiation in London, which it was clear it could not be after the measure of opening the trade to the Colonies generally to all the world had been fixed by an Act of Parliament.

“In answer to this, Mr Clay has observed to me that he had now discovered that if the Congress had abolished the discriminating duties, they would have legislated in the dark. That it was now asserted that the United States could not come within the conditions of the Act of 1825 unless the Act of Congress also was repealed which restricted British vessels from clearing out in ports of the United States for the British West Indies, unless they had proceeded in the first instance to the American port from a British Colony.

“Mr Clay has also stated to me another objection to the conditions of the Act of 1825. The United States have great difficulty in consenting to treat British vessels, as the vessels of the most favoured nation, because by the engagements of the United States with Sweden and with other countries, it is mutually agreed that the vessels of either nation shall be at liberty to carry to the ports of the other the produce of any country.

“The British Navigation Act, Mr Clay observes, would prevent any reciprocity between Great Britain and the United States, which should give a similar latitude with regard to the produce which their vessels might import.

“With regard to the abolition of the discriminating duties, I ought to inform you that during that discussion in the last Session of Congress, I

gave Mr Clay to understand confidentially that Great Britain would, whenever the American duties were abolished, abolish the equivalent duty which had been imposed on American shipping in British Colonies."

The following letters illustrating the complexity of the situation, hardly admit of an epitome.

XV. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

Feb. 28th 1827

Mr Canning.

Sir, The Act, which the Committees of Congress proposed to pass in consequence of His Majesty's order in Council, closing the Ports of the West India Islands to vessels of the United States, has at length been taken into consideration in one of the Houses of Congress, the Senate.

On Feb 21st the passing of the Act was called for by Mr Johnston, the Chairman of the Committee, and General Smith opposed the Bill, and offered an amendment. The purport of it was to open the ports of the United States, from and after the 31st December next to all vessels from ports of British Colonies which are already established or may be established hereafter as free ports, upon paying the same duties as upon cargoes in American vessels—and to suspend until the 31st December the Acts of Congress of March 1823—May 1820, and April 1818, excepting so much as imposes discriminating duties on the tonnage of Foreign Vessels and their cargoes.

General Smith recommended the adoption of his amendment, as being of a more conciliatory character, than the Act proposed in its present shape, which in his opinion implied a menace in the event of the British Government not agreeing to change its policy.

This amendment was favourably received by the Senate and ordered to be printed.

On the following day Mr Holmes a Senator from the State of Maine, moved to substitute for the amendment proposed by General Smith, one, which should declare, that the Act proposed by the Committees of Commerce, should be in force, unless the President should receive information before the 1st of August, that the British Colonial Ports were open to vessels of the United States—and that discriminating Duties on British Vessels and Cargoes should cease.

This amendment of Mr Holmes was rejected by 32 Votes to 13.

On the following day the 23rd February, the debate upon the Colonial Act was resumed by Mr Johnston, who replied to General Smith and supported the act brought forward by him as Chairman of the Committee. He was followed by Mr Holmes, who moved an amendment, the object of which was, to interdict the trade with the British Colonies, both by land as well as sea, as he believed that so long as the trade through the Canadas should remain open, the object of the Bill

would not be obtained, which was, the coercion of Great Britain into the measures sought by the United States.

This amendment was opposed by Mr Sandford of New York, who considered the Bill under discussion, as very distinct from a commercial enactment, and to be considered as a Navigation Act, the object of which was to touch the Navigating interests of Great Britain, rather than to regulate the internal trade with the Canadas, through which very little flour was sent from the United States to the British West Indies.

Mr Holmes while supporting his amendment, confessed the injury which the measure he had proposed would do to the interests of the State of New York, and that the State of Maine which he represented would likewise be injured by it: as the act once passed, passed in the form proposed by the committee, the port of Eastport in Maine must become a depôt for the produce of the United States, to be conveyed thence to the British Colonies by the Island of Campo Bello (within two miles of it) which would be declared immediately a Free Port.

Mr Tazwell, who generally opposes the measures of the Government, spoke in favour of Mr Holmes proposal, to close the intercourse with the Canadas by land. He felt the injustice of leaving a trade, to be carried on by the State of New York and the Eastern States, which was to be entirely lost to the Southern States. He took occasion to deprecate the restrictive system in commerce, which the present administration of this country had manifested so strong an inclination to follow, and which must ultimately lead to a separation among the States.

The amendment of Mr Holmes closing the intercourse with the Canadas by land as well as by sea, was adopted by 32 votes to 12. The House was afterwards adjourned by the casting vote of the President.

On the 24th the discussion was renewed, and after several additional amendments had been proposed, the vote of the Senate was at length taken upon the passing of the Bill as proposed by the committee, when it was decided to reject the Bill by a majority of 9 votes.

I understand that it now remains to reproduce the Bill, altered according to the various amendments which have been proposed.

The Session of Congress must close on the 3rd of March, there is scarcely [time], therefore, for the Senate to agree upon an act in another form (considering the great variety of amendments which have been offered), which shall meet with the concurrence of the House, and it can scarcely be expected that a new act should originate in the House of Representatives where the discussion has not yet commenced, in time for the Senate to accede to it.

As I feel it my duty not to lose the opportunity of sending you some account of the proceedings in the Senate by the first Liverpool packet which sails from New York and as the sitting of the Senate was not over until a late hour last night, I cannot yet inform you of the course which it is probable will be pursued upon the rejection of the Bill as proposed by their committee of Commerce.

XVI. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

3rd March 1827

Mr Canning,

Sir, I had the honor to inform you in my dispatch No. 9, that the act respecting commercial intercourse with the British Colonies, which had been offered by the Committee of Commerce, to both Houses of Congress, was rejected in the Senate. On the 28th February an amendment proposed by General Smith was carried by a majority of 32 to 10 and passed in the Senate as an act substituted for the one proposed by the committee.

I have the honor to enclose a copy of this act as it was transmitted to the House of Representatives, which at the moment of its being communicated was engaged in discussing the act as proposed by their committee, but it was agreed to suspend the debate and on the 1st inst. the act received from the Senate was taken into consideration.

The first section of this act provides that from and after the 31st December next, no other or higher duties shall be levied upon British vessels and cargoes arriving from any British Ports, declared by the British Government to be free. Free Ports, in the ports of the United States, excepting Florida, than upon vessels and cargoes belonging to the United States.

By the 2nd section of the Act of the Senate, the Acts of Congress of the 1st March 1823—of the 15th May 1820 and of the 18th of April 1818 are suspended until December 31st next, excepting so much thereof as imposes Discriminating duties on the tonnage of Foreign vessels and cargoes.

By the 3rd section it is provided that if at any time before the 31st December next the President of the United States should receive satisfactory evidence, that the prohibition to commercial intercourse between vessels of the United States and the British Colonies, mentioned in the order in Council of the 27th July 1826 has ceased or been removed and that no discriminating duties of tonnage or impost are levied within the British Free Ports, upon vessels and cargoes from the United States, the President is authorized to issue his proclamation, declaring that the acts mentioned in the 2nd section are *altogether* suspended and repealed.

In the House of Representatives on the 2nd of March Mr Tomlinson the chairman of the committee of commerce moved an amendment of the 3rd section of the act received from the Senate, a copy of which I have the honor to inclose.

The purport of it seems to be, to engage positively for the act of 1818 and 1820 being put into force on the 31st December next and for the repeal of the act of 1823, in the event of the President not having received information by the 31st December that should justify the issuing of the Proclamation as authorized by this act.

This amendment was opposed but carried by a majority of 80 to 56.

The Senate has refused to agree to this amendment after a conference, and the House of Representatives has resolved to adhere to it by a vote of 75 to 65.

The session of Congress must terminate to-morrow the 4th of March and as I understand that the question of Colonial intercourse is not to be again renewed in any shape in either House before the final close of the session, the Bill is lost, and that question must remain in the same state as upon the opening of this Session.

By the 6th section of the Act of Congress of March 1st 1823, the President is directed to issue a proclamation to put in force and revive the acts of Congress of the 18th of April 1818 and of the 15th May 1820, if at any time the intercourse between the United States and the British Colonial Ports should be prohibited by an order in council or an act of Parliament. The President stated to the Congress that he had thought it expedient, not to exercise the authority given to him by the act of 1823, when the order in Council was issued by His Majesty, but to leave it to the Congress which was about to meet, to decide upon what measures it might be advisable to adopt, as the Congress has thrown back upon the President, the adoption of measures, by the rejection of the Bills which have been under discussion, it is presumed that no alternative remains, than for the President to issue his Proclamation, putting in force the acts of Congress of 1818 and 1820.

These acts close the ports of the United States to British vessels from Colonies closed to the Americans and the act of 1820 closes the ports to British vessels from Lower Canada and New Brunswick and limits the import from certain British Ports enumerated and the produce of the country from whence they sailed.

Although the Congress of the United States has had before it the Bill recommended by the committees ever since the commencement of the Session, it has not been taken into consideration until within ten days of the close of the Session in either House, when amendments have been offered by members in both Houses according to the local interests of their respective States.

An amendment of the Bill was strongly supported in both Houses, which went to close the intercourse with the Canadas by land as well as by sea. Such an amendment though not finally put into the Bill was carried by a majority in the Senate of 32 to 12 and a similar amendment to the Bill from the Committee of Commerce was carried in the House of Representatives.

In the course of the Debate it was remarked, that for a length of time Great Britain, has been endeavouring to improve the resources of the Canadas, and to raise them up as rivals to the United States. The Representatives of the State of New York, Vermont, and the majority of those from Maine, resisted the closing of the intercourse by land with the Canadas. They estimated the value of the trade so carried on at 1,800,000 Dollars, of which sum, not 50,000 dollars, ever found it way to the West Indies. Many coarse articles of manufacture are furnished, it was

said, by the United States to the Canadas and they are dependent for their supply of salt, upon the State of New York. To close that intercourse went beyond the present object of repelling the measures adopted by Great Britain, and to do so was to enter at once into a contest for the balance of commercial advantages.

It was stated in Congress that though the navigation of the Lake Ontario was equally divided between the British and Americans, upon Lake Champlain 260 American vessels were exclusively employed. Quebec furnished a ready market for the produce of Vermont and the valley of the Lake Champlain the intercourse was greatly exceeded in value, by the trade which takes place between the western part of the State of New York and Montreal.

During the late discussion it was asserted, that the value of the trade between the United States and the whole of the West Indies (not the British alone), amounted to 7,156,000 Dollars. in 1821 it employed 32,000 tons—in 1823—70,000 tons, and in 1825, 101,000 tons of shipping.

The State of North Carolina, alone, employed in that trade 20,000 tons of shipping, and it was asserted that the West India Trade gave to the Navy of the United States 10,000 seamen.

I have ventured to notice some of the Statements which have been made during this discussion, without being able in any shape to vouch for their accuracy. It was observed by Mr Camberleng of New York,¹ that the Congress might rest assured, that if this branch of commerce was to be recovered, they must make very liberal offers to Great Britain.

The result of the discussion in the Congress, is, to leave the question where it was at the commencement of the Session. The conduct of the Government has been blamed for having left to negotiation, what should have been done, during the last Session, by Legislation; and a conviction prevades both the Government and the Country, that the United States have only themselves to blame for the situation in which they are at present.

The decisive measure of His Majesty's Government has had the effect of producing the consent of this Government to several points long disputed, and I trust that it may prove a seasonable check upon those exaggerated pretensions and that tenacity of opinion which has sometimes marked the negotiations with the United States.

XVII. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

13th March 1827

Mr Canning,

Sir, I am not yet able to state to you in what manner the President means to carry into effect by his proclamation the closing of the Ports of the United States against vessels from British Colonies, the ports of which have been closed to American shipping by His Majesty's

¹ C. C. Cambreleng.—Ed.

order in Council. Mr Clay has this day informed me, that he had expected that he should have been able by this time, to have made to me a communication upon the subject, but after several meetings of the President and the Ministers, nothing had yet been finally resolved upon; he has given me to understand, however, that a proclamation will certainly be issued by the President in conformity with the provisions of the Act of Congress of 1823, but at what time and in what manner the Proclamation should be carried into effect had occasioned repeated deliberations. Mr Clay has assured me that it is the intention of the Government of the United States to apply the measure pointed out in the Act of Congress of 1823, with as little risk of injury to British subjects engaged in the Colonial trade as possible, of the propriety of which, I told him, that there could not be a doubt, after the forbearance shown by Great Britain in carrying into effect the Act of Parliament of 1825, and the order in Council of the 27th July 1827, and after all parties in the discussion which had recently taken place in Congress agreed in one point, that of not carrying into effect any one of their proposed restrictive measures without due notice.

The President and his Ministers are again to assemble to-morrow upon this subject, and I have no doubt but that their final decision will soon be known.

I think that the Government of the United States has been anxious to receive some communication from Mr Gallatin before any decisive measure was taken and I learn that Mr Gallatin's dispatches lately received do not hold out to this Government, any hopes of a reconciliation of the views of Great Britain and of the United States upon the subject of Colonial intercourse.

XVIII. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON

21 June 1827

Mr Canning,

Sir. Although reports have reached Washington, of changes having taken place in His Majesty's Councils, as I have not yet received official advice of the change which may have taken place in the Foreign Department, I continue to address my Dispatches to yourself.

As the Secretary of State is absent from Washington, a temporary suspension of intercourse has taken place, between the General Government and Foreign Ministers, which must plead an excuse for my reports being now less frequent than usual.

The Legislative Assemblies of the State of Massachusetts have made choice of Mr Webster to represent that State in Congress as Senator, and the President and his ministers are thereby deprived of a powerful supporter of their measures in the House of Representatives, but he will continue to support them in the Senate, where a more formidable opposition will render his services equally acceptable to them.

I have learned from Mr Ward, who visited Washington on his return

home from Mexico, that the Representatives of that Republic, have rejected the commercial treaty negotiated by Mr Poinsett, the minister from the United States. Whenever this event is generally known in this country, it will probably contribute to exasperate the feelings against the President, which have been excited by the loss of the Colonial trade, which has been attributed to his mismanagement.

The newspapers attached to this Government are still employed in giving a colour to the late discussions upon that subject, with His Majesty's Government, favourable to the American ministers and I presume that the subject will be renewed in some shape or other, very soon after the meeting of Congress on the 4th of December next.

It is known here that representations have been made by the people of the British North American Colonies, to induce His Majesty's Government to continue the present suspension of intercourse between the United States and the British West Indies, which will probably lead to a renewal of the proposals which were so favourably received during the last Session of Congress, for throwing every obstacle in the way of commercial intercourse by land with the Canadas. It is conjectured that efforts may be made to regain the Colonial trade by acts being passed in Congress which should place, unequivocally, the United States within the conditions of the Act of Parliament of 1825.

I should be happy to learn in what manner any such measures would be received by His Majesty's Government that in my intercourse with the several parties here my language might be in strict conformity with those views.

The following letter from Huskisson, preserved among Vaughan's papers is full of interest as explaining the policy which greatly prevailed. It shows too how carefully Huskisson, aided by Vaughan, was feeling the pulse of American opinion, though in one instance he committed himself to a rash prophecy.

XIX. WILLIAM HUSKISSON TO JOHN BACKHOUSE.

RICHMOND TERRACE,

15th June 1829.

*To Mr Backhouse,
My dear Sir,*

I called the attention of the House to the American Tariff at the close of last Session, the day before I left town for the Continent, 18th July. I have this morning looked at the report of what I said in Hansard's Debates,¹ but it is very incorrectly given. I do not

¹ Vol. XIX, new series, pp. 1768-1775. "The rice of India would soon (indeed it was already doing so) usurp the place, in our list of imports, which that of Carolina had done. In other articles the same change would soon be observed. With reference to cotton, that raw article so essential in our great staple trade, it was only necessary to give its culture in India the same encouragement which the indigo trade had obtained, to ensure its cultivation with equal success."

William Huskisson, 1770-1830, represented Liverpool in Parliament. He was for a time President of the Board of Trade and afterwards Secretary of State for the Colonies.—ED.

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recollect any other occasion upon which I *adverted directly* to the American Tariff, but I have frequently had imposed upon me the duty of expounding the principles generally applicable to matters of this nature. The only speeches which I recollect to have revised and printed separately, in which those subjects are incidentally discussed were,—1st. one on Foreign Commerce. 25th March 1825. 2nd one on our Colonial Policy, 21st March 1825. 3rd. one on shipping and Emigration, 12th May 1826,—and 4th. another on the same subject, 7th May 1827. All published at Hansard's. I do not recollect to have read any publication on the American Tariff except an article (not a very able one) in a late number of the Edinburgh Review.

The object of my speech last year, was to alarm the Southern States in respect to the means within our power, of drawing from other countries the articles with which we are now supplied principally from those States; and to show them (whether we resorted to those means or not) that in proportion as British manufactured goods were rendered dear to the American consumers, would the expense of raising their raw materials be increased, and our power, as well as our disposition, to purchase them be diminished. I was not for holding out threats of retaliation, at least in the first instance, and I am sure the Government has acted very wisely in avoiding any such course. It would have enlisted national feelings of a different description into a question altogether commercial, and have prevented the possibility of the Washington Government doing what it is now, I am glad to see, inclined to attempt, on grounds purely American. I trust this attempt will be successful, but if it should be defeated, as Mr. Vaughan apprehends it will, by the strength of Adams' party, it will expedite an event inevitable, I think, at no distant period—the separation of the Southern States—provided we cautiously abstain from taking any part in their domestic differences, and can avoid any dispute which might merge their internal dissensions in a feeling of general hostility to this Country.

I will only further state that I am perfectly satisfied that we have it in our power to encourage the supply of cotton and rice, from other countries, particularly Brazil and British India, and perhaps Egypt, in a manner that would, in a few years, render us far less dependent than we now are on the U.S, and that the means for this purpose may be carried into effect without any infraction of the existing Convention with the U.S. It will be most prudent, however, not to bring them forward till we see what Jackson can and will do.

Yours truly,

W. HUSKISSON.

XX. CHARLES R. VAUGHAN TO JOHN BACKHOUSE.

BOSTON,

28th August 1829.

My dear Sir,

I am very much obliged to you for the prompt attention which you have paid to my request, to be furnished with information respecting the operation of the last American Tariff, and with any arguments which might tend to shew the impolicy of that measure with regard to the interests to the Americans themselves. I have to thank you for a copy of the *Edinburgh Review*, and for some speeches of Mr Huskisson, but more particularly for the note addressed by him to yourself, from which I collect, with great pleasure, the facts that it is not the intention to bring forward at present any measures of retaliation in the British Parliament. I am very anxious that the question of the repeal of the tariff in the American Congress next winter, shall in no shape be injured by any indiscreet putting forward of *English* interests. If the repeal is to take place it must result from a conviction of the impolicy of the tariff as regards *American* interests. I have suggested to those who are anxious to get rid of the tariff, the necessity of applying with the utmost diligence to the amassing of information before the Congress meets, respecting the exact state of loss and profit in the manufacturing establishments which have sprung up under the exorbitant duties imposed on foreign manufacture. I have lately passed through some of the New England States, and wherever I have found manufacturing establishments, many of which are upon a large scale, I have invariably heard rumours of their very depressed state and of the prospects of their being abandoned. It has been stated to me that shares in manufacturing establishments which sold at 15 per cent advance on each share twelve months ago, are now at a discount of 75 per cent—this however is merely vague report.

Notwithstanding the President's determination to get rid of or to modify at least the tariff, I confess that I am under great apprehension that he will fail. It will be made the great question on which the parties of the Ex President and the present President will try their strength. The administration formed by General Jackson carries with it but little weight of talent or character, as it is at present constituted it has disappointed general expectation. It will be opposed upon the tariff question by a combination throughout one half of the States of persons who have vested their money in manufactures and of political characters who are pledged to support the American system.

In passing through the town of Lowell in New Hampshire I saw a fair specimen of the excess to which the national rage for becoming manufacturers has driven the people of the United States. I believe that I do not exaggerate the number of establishments in Lowell for the manufacture of woollens and cotton, if I rate them at 30, all large, well built piles of buildings. This rage for manufactures seems to indicate that notwithstanding temporary difficulties and losses the U.S. must ultimately afford a very contracted market for foreign goods: nor do I

believe that any free admission of American corn into British Ports will materially check the rage I allude to. The embargo and non importation acts which preceded the war of 1812 first gave the impulse to manufactures, and when the merchants in the United States were glutted with foreign goods [upon place taking place]¹ the outcry began of those who had embarked capital in manufactures for the protection of the Government which has been afforded by repeated tariffs in the most extravagant manner.

I beg your pardon for having ventured to write you so much upon this subject. I cannot conclude without requesting that you will have the goodness to continue to furnish me with any publications which may appear in England, from whence anything can be gleaned of service to those who are engaged in opposing the tariff.

It is remarkable that from the accession of Jackson we find next to nothing in Vaughan's papers which bear on the tariff question. With Jackson personally his relations were from the outset most friendly, and it is clear that Vaughan rated his character and ability highly and credited him with a cordial feeling towards England. Nor is there any trace of friction in Vaughan's dealings with Van Buren, and at a later date they were intimate. But it is plain that up to 1828 Clay was the American Politician with whom Vaughan was most intimate, that no one in the new Cabinet seems ever to have taken his place.

In March 1830 we find Vaughan writing to Lord Aberdeen that no relaxation of the tariff was to be expected. Northern opinion, he says, is too strong for Jackson to defy. The same view is expressed a fortnight later in a despatch to Parliament.

There is however a significant passage in that despatch. "American opinion," Vaughan says "has been quite precipitated by the language used in Parliament, and especially by Peel." Peel was only following the lead of his colleague Huskisson. Before the year was out the patient and tactful firmness had its reward. Jackson and McLane the American representative in England were both honestly anxious to come to terms and the discriminating duties were withdrawn.²

The troubles arising out of protection and out of the fiscal system favored by Clay, and by the Northern manufacturers were far from being over. They soon entered on an acute phase of which

¹The words bracketed appear in the copy. I have inserted brackets to make meaning clear.—ED.

²Mr. McLane, as minister to England, received humble and deprecatory instructions from Van Buren which have become somewhat celebrated because of the space given them in Benton, *Thirty Years View*, I., 216. Mr. Adams calls them "objectionable." *Life of Albert Gallatin*, p. 618. For the acts and proclamation ending the dispute see Herstlet's, *Commercial and Slave Trade Treaties*, Vol. IV. 512 ff.—ED.

we can learn much from Vaughan's later papers. But the difficulties were purely internal and affected Great Britain only remotely and indirectly.

Vaughan's actual share in the settlement of the commercial difficulty was but slight. Yet no one can read his papers and doubt that his influence counted for a good deal. His observation of the conditions of the dispute was keen, accurate and minute. He saw himself, and he kept clearly before his government, the main forces at work, and never suffered them to be obscured by temporary or personal issues. And it is clear too that his influence was steadily and successfully directed to modifying the temperature whenever it threatened to reach a dangerous heat.

As the following despatch shows, one of the great questions that Vaughan had to take in hand was that of the slave trade. For American statesmen the question bristled with difficulties and these were complicated by the fact that the suppression of the slave trade could not be kept distinct from that thorny business, the right of search.

XXI. CHARLES R. VAUGHAN TO GEORGE CANNING.

WASHINGTON,

30th September 1825.

Sir,

I have the honor to acknowledge the receipt on the 26th inst. by the Packet King Fisher, of your dispatch No. 3. accompanying a full power, with which His Majesty has been pleased to invest me, to enable me to sign a treaty, with the Government of the United States, for the more effectual suppression of the Slave Trade.

By the receipt of this full power, I am placed in the same situation, in which His Majesty's Government had placed Mr Addington, the late *Chargé d'Affaires*, who was empowered to conclude a treaty upon terms precisely laid down at the end of the last year, whenever the Government of the United States should manifest a determination to accede to those terms.

Of the nature of those terms this Government has been already fully apprised, and I have contented myself therefore with announcing, verbally, to Mr Clay, that I have received His Majesty's Full Power, which I shall be ready to act upon, whenever I shall learn from him that the American Government wished to carry the proposed treaty into effect.

Before I venture to shew any solicitude to reopen the question of the treaty, it appears to me absolutely necessary to ascertain the probable result of a renewed discussion in the Senate, particularly, as I am directed to submit to His Majesty's Government no other than a complete Instrument, one that shall have already received the ratification of that body.

In order to ascertain the feelings of the Senate, we must await its assembling in the month of December, as the opposition to the treaty

when last submitted to it, was in part attributed to the violence of Party spirit which chose to make the supposed cession of a limited right of search, a means of rendering Mr Adams unpopular, who was one of the candidates for the office of President, some hope might have been reasonably entertained, that the feelings of the Senate when it next assembled, would probably be changed. Mr Clay, however, reminded me, that the Senate had subsequently refused their ratification of a treaty with Columbia, because it contained a concession, similar to the one objected to in the convention with Great Britain, and he confessed that he did not see any reason to expect that the feelings were materially altered—at the period of the last discussion, Mr Monroe was President, and was very anxious that the treaty should be ratified. Mr Clay confessed that Mr Adams, who then had the department of state, was of a different opinion. The favourable disposition however, of the executive part of the Government is of less consequence, as it cannot exercise any control over the Senate. It must be recollected that the Committee of the House of Representatives to which the papers had been referred, previously to the breaking up of the Congress, presented but a vague report, unaccompanied with any recommendation to the House to reconsider the question. This was followed by a motion of Mr Forsyth expressive of disapprobation of any cession of the right of search.

Mr Clay said that the only circumstance which he had observed, indicating a change in favour of the Treaty, was in an article which had appeared very lately in a great number of Provincial newspapers purporting to be a letter from Sierra Leone, announcing that three American vessels had lately engaged in the slave trade, profiting by the absence of all American cruisers, and great regret was expressed in this article, that the proposed treaty with Great Britain had not taken effect last year, as it would have enabled the British Cruisers to seize the three American vessels.

Referring to all that has passed relative to the treaty for the suppression of the slave trade last year, and in the want of instructions upon the subject, and knowing that the senate has not undergone any such material change in its composition as can reconcile one to running the risk of again calling for the submission of the treaty to the ratification of the very same individuals who so lately manifested their dislike of the stipulations which caused its rejection, I shall content myself with having announced to the ministers of state that I am in possession of full powers until I receive fresh instructions from His Majesty's Government.

The paucity of any later references to the business show that both Vaughan and the government for which he acted had but scanty hopes of successful negotiation on this point. In this matter Jackson inherited and continued the policy of Adams. On one occasion we find that Jackson refused to sign a convention for the suppression of the slave trade on the ground that it would give British officials the opportunity and pretext for interfering with

American vessels. And scattered references show that on more than one occasion Vaughan's tact and power of conciliation were called into play to settle differences arising out of an alleged abuse of the right of search.

So far I have confined myself to those definite questions of international relations of which the history can be traced out in full, or at least largely illustrated, from Vaughan's despatches and the papers which accompany them, I now propose to deal shortly with those passages which throw light on the various pictures of national life which came under his notice, and on the working of American constitutions and the character of leading statesmen.

It was Vaughan's practice throughout life to leave memoranda of remarkable incidents, possibly designed to serve either himself or those who came after him as materials for a connected biography. Of such the following is an interesting specimen. Probably most students of American history will think that Vaughan's informants overrated Monroe's faults, and did inadequate justice to his merits.

XXII. MEMORANDUM BY CHARLES R. VAUGHAN.

Mr Monroe—Ex President of the United States.

Mr Archer of Virginia and Mr George Erving discussing at my table the character of Mr Monroe on the 3rd January 1830, made it appear that he was a very inferior man in point of talent, with great indecision of character, and perfectly unfit to manage any affairs even in public or domestic life.

General Washington once conceded to a prevailing party of the day, the nomination of a Minister to France during the Revolutionary movement in that country between the years 90 and 93. That party proposed Mr Monroe to the great surprise of Washington, as he had never shewn any talent in public life. However he consented to his appointment and after a short residence in France Washington was obliged to recall him. Monroe afterwards became the personal friend of Jefferson and Madison, and it was asserted that he had been repeatedly saved by them from repeated disgrace.

He was sent to France to join Livingston and another American commissioned to arrange the purchase of Louisiana—as the purchase was arranged finally soon after his arrival in Paris, he had the credit of having concluded the negotiation, whereas the memoirs of M. Bourienne shew clearly that the price had been fixed by Buonaparte and that the Americans had paid about 3 million of francs more than the price which Buonaparte was willing to accept, and that Mr Monroe had not contributed in the slightest degree to the completion of the bargain.

By accident Mr Monroe had succeeded ad interim to the Department of War, when the successful defence of New Orleans by General Jackson took place, and the people chose to imagine that their success ought to

be attributed to the measures taken by the minister of War, Mr Monroe, and the result was that he was named President of the United States.

Mr Archer and Mr Erving in short described Mr Monroe as a man of most feeble character, as the creature of circumstances, constantly indebted to the decided support which he received throughout his public life, from Messrs Madison and Jefferson.

As an instance of the debility of his character, they mentioned that when he was President, he never gave away an office without requiring from the person to whom he gave it, all sorts of recommendations, which he might produce, should the propriety of his choice be called in question.

A despatch sent by Vaughan in his first year of office to Caning shows that another thunder-cloud heavy with coming strife, was forcing itself on his view. In November, 1825, he reports that Illinois and Connecticut have petitioned for the abolition of slavery, that the governor of Georgia in his message has protested against this as an infringement of state rights.

A later despatch of Vaughan's reminds us of the fashion in which that system which southerners of the school of Calhoun and Stephens regarded as "aith's greatest boon" needed to be buttressed up. Vaughan reports to Lord Palmerston that he has had to intervene and ask relief from the Federal government to protect a British subject from the consequences of a state law of South Carolina. By that law a man of color though free, might, if the vessel on which he was a passenger touched at any port in South Carolina, be arrested and detained in gaol till the vessel sailed.

The following despatches, written just as the forces were marshalling themselves for the great Jacksonian battles show how fully Vaughan had mastered the main issues which divided parties, and how he clearly understood that the President was engaged in a double-handed conflict, in which he represented the unity of the Federation as against Southern nullifiers, the old Jeffersonian doctrine of state rights as against northern Whigs.

XXIII. CHARLES R. VAUGHAN TO THE EARL OF ABERDEEN.

WASHINGTON,

4th June 1830.

The Earl of Aberdeen
My Lord,

In my despatch No. 29, I had the honour to transmit to your Lordship a copy of the Message sent by the President to the House of Representatives, giving at length his reasons for refusing to sign a Bill, which had passed both Houses of Congress, authorising a subscription of 150 thousand Dollars to the Maysville Turnpike Road, to be made in the State

of Kentucky. On the last day of the Session of Congress a Bill was returned by the President to the Senate, with his refusal to sign it, communicated in a short message a copy of which is inclosed, in which the Senate is referred to the statement of his objections to similar Bills already made, upon the occasion of his rejection of the Maysville Road Bill.

The Bill returned to the Senate was to authorise a subscription of Stock to the Washington Road, and as it had originated in the Senate, they proceeded immediately to reconsider the Bill, according to the manner pointed out in the 7th section of the First Article of the Constitution, when 21 voted for the passage of the Bill and 17 against it, but as two thirds of the Senators present had not voted for its passage the Bill was rejected.

On the same day, the President announced to Congress his intention of retaining for further consideration two Bills which had been sent to him for his signature, having passed both Houses, the one for making an additional appropriation of money for the Louisville and Portland Canal, and the other appropriating 501,044 dollars to be distributed in almost every State and territory for constructing light houses, buoys and harbours.

With regard to the President retaining these two Bills, I have been assured that they were passed very late in the Session of the House of Representatives, which commenced at ten o'clock in the morning of the 29th and was continued until two o'clock in the morning of the 30th and that they were not sent to the President until the 31st a few minutes only before the final close of the Session.

Some objection has been made to the President returning a Road Bill, which he had signed, with a message, a copy of which is inclosed, declaring that he had signed it with an understanding that the Road was not to be continued beyond the Michigan territory. This qualified signature is thought to imply an unconstitutional right to construe the Acts of Congress.

The right of the General Government to dispose of money in the Treasury for promoting internal improvements, has long been contested in the United States. The Southern States have taken the lead in opposing a continuation of that system, and the President coincides in their opposition, believing that the profuse grants to States, every succeeding Session of Congress for objects of local rather than national advantage, will protract the term for the final liquidation of the National debt, and that the funds for such objects should be provided out of the resources of the States by their respective Legislatures.

A majority of the Houses of Congress having supported the system of grants from the Treasury for internal improvements, the only means left of checking the system, was, that the President should exercise his constitutional power of refusing his signature to Bills having that object in view.

The conduct of the President may induce a belief that the Congress must have separated with some feeling of resentment towards him, but I

do not think that the numbers of the members opposed to his election from the beginning will be increased by his decided resistance to grants of the public money for internal improvements, and I observe, already, that admiration is expressed of the firmness and decision with which he has taken his stand upon principles, which he is known to entertain with many of the most disinterested and distinguished persons in the country.

I must not omit to state to your Lordship that Bills were passed before the Congress closed, and were signed by the President, reducing very considerably the duties upon the importation of four articles received in this Country from the West Indies—molasses, salt, sugar and coffee. As I am not yet in possession of the Bills I cannot state the exact amount of the reduction of duties. I have already acquainted your Lordship with the proceedings of Congress with regard to the tariff. The members of the Southern States assert that enough has transpired to convince them that the "American System" must be abandoned within the course of a year.

Vaughan was in England on leave during the crisis of nullification and thus there is a serious gap in his correspondence as bearing on this question. The following letters throw an interesting light on the later phases of the contest.

XXIV. CHARLES R. VAUGHAN TO VISCOUNT, PALMERSTON.

NEW YORK,

31st March 1833.

Viscount Palmerston.

My Lord,

I have the honour to inform your Lordship that I arrived here on the 26th inst. after a passage from Liverpool of thirty days, and it is my intention to proceed without further delay to Washington.

The last Despatches of Mr Bankhead will have made your Lordship fully acquainted with the proceedings of Congress, which terminated in the adoption of a Bill for modifying the Tariff Act, imposing duties upon Foreign manufactures. Upon my arrival at New York I found that intelligence had just been received of the final settlement of the dissention between the General Government and the State of South Carolina, the convention of the State having rescinded their ordinance, rendering null and of no effect the Tariff Act, as soon as the modification of that Act by Congress was submitted to them, a minority of only four voted against rescinding the ordinance. This decided majority seems to justify the inference which has been drawn from it, that the people of South Carolina, finding that they were not supported by any of the Southern States, were glad to avail themselves of any concession by Congress, to withdraw from the position in which they had hastily and injudiciously placed themselves.

I find upon my arrival here that all parties are well pleased that the

late serious indication of disunion in the Confederation has been fortunately put an end to. The great and influential State of New York, and the States of New England forgot their party animosities, which had been recently called forth by the Presidential election, and came forward at once to approve and support the principles of resistance to the pretensions of South Carolina, which were laid down in the Proclamation of the President General Jackson. Though the Southern States do not coincide with the opinions expressed by the President, and disapproved of the Tariff, their reluctance to join South Carolina at once destroyed all expectation of seeing a Southern Confederacy established, and it is thought that the late events may ultimately give additional stability to the present constitution of Government of the United States.

We are yet to ascertain the result in the North Eastern States of the abandonment of the "American system," which was established for the protection and encouragement of the domestic manufactures of the States. It is believed that that system must be abandoned before the term of nine years, which is the period fixed in Mr Clay's Bill for the final adjustment of Duties upon imported foreign manufactures. The greater Capitalists of those States who have invested their property in manufacturing establishments have derived this advantage from Mr Clay's Bill, that it has put a stop to the competition to which they were exposed, and already they have secured a better price for their goods.

The Session of Congress has closed with a singular and unexpected combination of Parties. The concession which has tranquilized South Carolina was brought forward by Mr Clay, the decided opponent of the President, and whose pretensions to be elected in his room rested upon his zealous and uncompromising support of the American system. The Bill of Mr Clay was substituted (sic) in the House of Representatives after the members had been involved in a fruitless discussion for some weeks of the details of a Bill for modifying the Tariff proposed by the Government.

All parties approve of the conduct of the President. A less decisive mind at the head of the Government in such a crisis, would according to general opinion have given rise to much mischief.

The right maintained by South Carolina, of peaceable secession from the Union, is now decided as unconstitutional doctrine, but it is expected that State Rights founded on their reserved sovereignty will be a fruitful source of discussion during the next Session of Congress. It seems to be a misapplication of terms to talk of allegiance to such a form of Government. Implicit obedience to the Laws is the bond of Union and the late events have proved how doubtful the duration of it is.

I lose no time in forwarding to your Lordship the information I have collected at New York, before I have had any communication with the Government of the United States as the correspondence of Mr Bankhead with H. M. Government is suspended in consequence of my arrival.

XXV. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

WASHINGTON

21st April 1833.

Viscount Palmerston,
My Lord,

Though the Bill proposed by Mr Clay, and passed by Congress, admitting the principle that the duties upon imports shall be eventually reduced to a revenue standard, and that no more money shall be raised than may be necessary to the economical administration of the Government, has been received by the State of Carolina as a measure of peace and conciliation, yet it would appear, from a letter dated the 27th March, which has been published by Mr Calhoun, and other proceedings in the South, that the lots dissension is not yet finally settled.

Mr Calhoun asserts that the struggle to preserve the Constitution, and to arrest the dangerous tendency of the Government, so far from being over, is not more than fairly commenced.

The principle for which South Carolina contended has been acknowledged in Mr Clay's Bill—"The rejected and reviled right of nullification" has proved to be peaceable and efficient remedy. The theory of the Constitution, which during the late dissension it has been attempted to establish, denies that the constitution is a compact between the States, and denies its Federal character. The question now is, whether the General Government be a consolidated Government with unrestricted powers, or a Federal Republic of State[s] with limited powers. The Government must be restricted within its proper sphere, and its tendency like all Governments, to despotic rule, must be corrected. Such are the opinions published by Mr Calhoun, one of the ablest leaders of the nullification party. Whatever may be the personal influence of the leaders of the party, the principles advanced in the Southern States have received so decided a check, by the declaration of the people of a great majority of the States, against their right to nullify an act of the General Government that they cannot hope to act with effect.

Mr Calhoun recommends determined resistance to what is called the "Force Bill." The Bill passed by Congress, giving power to the President to enforce the execution of the Tariff law in South Carolina. When the Convention of South Carolina agreed to rescind its ordinance of nullification, it did not separate before by a vote of 132 to 19 they had nullified the "Force Act," and the Legislature of South Carolina has decreed that the existing organization of the Volunteers shall be maintained so long as the Bill remains unrepealed.

In a speech delivered by Governor Hayne, upon presenting, at the beginning of the month (April) a new standard to the Volunteers of Charleston, upon which the arms of the State were embroidered, he stated the force of the Volunteers throughout Carolina at 20,000 men, but only 500 volunteers appeared in uniform and armed at the celebration on that occasion, though the total force enrolled in Charleston was said on good

authority to amount to 13,000. The troops of the United States which were sent to the fortresses at Charleston, and the five companies collected upon the Frontier of that State in Georgia have been withdrawn by the General Government.

In Virginia, Mr Tyler, a distinguished Senator in Congress from that State, took occasion at a dinner given to him to justify the conduct of South Carolina and to reprobate the doctrine that the Government of the United States was the work of the people, and not the result of a compact between separate and sovereign States. He denies the claim of the Federal Government to the exclusive allegiance of the Citizen, and that an act of resistance to that General Government can be regarded as treason and rebellion, to be put down by the employment of the whole Naval and Military forces of the country.

Mr Tyler seems to consider the General Government as an agency created for particular objects. That allegiance is not due to it because it is invested with the power of providing protection against Foreign Nations, and for the common deference¹ and welfare.

I see that it is acknowledged by Mr McDuffie in a speech delivered in South Carolina that through the reduction of duties, under Mr Clay's Bill, would not be complete until the year 1842, many articles imported from Foreign Countries which are consumed in the Southern States, would be rendered free of duty in a short time. The price of linens and worsted stuffs would soon be reduced much in price, and that it was a just cause of triumph, that the stand made by South Carolina against the unconstitutional, unjust and unequal law of the tariff, had compelled the Government to abandon their system of levying duties on articles of foreign manufacture for the protection of domestic industry.

In Virginia there has been a great division of opinion, but the result of the elections which are just over in that State, indicates by the return of a majority of members to Congress, who are declared supporters of the President, the prevalence of opinions opposed to the principles lately put forth by the neighboring State of South Carolina. Had however another year passed without an adjustment of the Tariff, it seems very doubtful what might have been the line adopted by Virginia.

We must expect a renewal of debates upon the constitutional question of State Rights during the next Session of Congress. The Repeal and removal from the Book of Statutes, of the "Force Bill," will be one of the first measures adopted by the Southern States. It is rumoured that an attempt will be made, to unite the Southern States against the Union, by instilling the minds of the proprietors of slaves, that there is a fixed design in the Northern States to abolish Negro slavery. It is well known how sensitive the people of the Southern States are upon that point, and it is not impossible that a controversy will soon be excited upon that subject. I observe, that a great interest is taken here, in the feelings of the Government and people of Great Britain in relation to the emancipation of the slaves in the West Indies.

¹ Probably intended to be defence.—ED.

XXVI. CHARLES R. VAUGHAN TO VISCOUNT PALMERSTON.

WASHINGTON,

20th July 1833.

*Viscount Palmerston**My Lord,*

. . . The calm has not yet been disturbed in the Southern States, which immediately [followed] the mutual compromise of their interests and those of the Northern States by the Bill which passed at the close of the last Session of Congress modifying the duties upon foreign manufactures. It is asserted, however, that there is a deep and settled determination amongst the people of the South to bring about a separation. The people of the Northern States are unanimous and decided in maintaining the Union, and all parties united, on the occasion of the President's late visit, to express to him their admiration of the prompt, firm and judicious measures which he adopted to counteract the movement in South Carolina. There is evidently a disposition amongst some people without influence to excite a collision of interests between the Northern and Southern States, by agitating the question of the emancipation of the slaves of the latter, but the leading men of the North positively deny any intention of agitating that question in any shape, and by the constitution of the United States the Congress has no right to interfere, and the condition of the slaves is exclusively under the control of the Legislatures of the slave-holding States.

But the most interesting document in the whole collection bearing on the question of nullification is Vaughan's account of an interview with William IV., in which he explained to the King the situation, forecast its probable issue. It shows how far Vaughan was from accepting the view of the situation taken by Huskisson, who, as we have seen, looked on the separation of North and South as inevitable. The paper belongs to that class of memoranda, which, as we have already seen, Vaughan was given to composing.

XXVII. MEMORANDUM BY CHARLES R. VAUGHAN.

Communication with the King. Summary of Mr Clay and Hayne's Speeches on the Tariff.

In the month of March 1832, the reports of the state of domestic politics in the United States of America received by the Marchioness Wellesley from her family, and reported to the King, induced His Majesty to request my attendance at St James on the 11th April, when the King did me the honour to communicate to me that Marchioness Wellesley, then in attendance upon the Queen as Lady of the Bed-chamber had informed their Majesties that a separation would probably take place of the States at present forming the Union and that it became necessary for England to decide upon the policy which in that event should be adopted. There seemed to be a conviction upon His Majesty's

mind, that the right policy to adopt would be that of strict alliance with the Northern States. His Majesty however, commanded me to see Lord Palmerston and to make enquiries at the Foreign Office, and to examine any communications which might have been received there in confirmation of the information derived from the Marchioness Wellesley. His Majesty at the same time authorizing me to say to Lord Palmerston, that any negotiations to be entered into with the United States, should be entrusted to me and at the same time observing that he conceived that I should feel it to be my duty, and should have a pride in being entrusted with a negotiation so delicate and interesting, and declaring that it would entitle me to the Red Ribbon.

I ventured to express to His Majesty the reluctance with which I ever gave credit to reports so much in conformity with the expectations of my countrymen very generally manifested, that the United States must soon separate and that their Union could not long subsist. I was no stranger to the constant recourse to such threats whenever the interests of the several divisions of States were thought not to be fairly balanced in laws passed by the General Government. The only moment when the separation of the States was really to be apprehended, was, when the New England States shortly before the close of the last war with Great Britain, formed a Convention at Har[t]ford in Connecticut, for the express purpose of withdrawing from the war, which called upon them for great sacrifices on the Frontier of the British possessions in North America, while their commercial enterprise was completely paralyzed. Of later years the Southern States have talked of separation on account of the repeated high tariff of duties since 1824, on the importation of Foreign Manufactures in order to foster and protect the manufactories established in the North Eastern and middle States. The Southern States had been accustomed to supply themselves with articles of clothing for their slave population upon more reasonable terms from England, than those upon which they could be supplied by the manufacturers of the Northern and Middle States. I wished His Majesty to be aware that I had never witnessed a meeting of Congress since the passage of the Tariff Act of 1824, that the Southern Representatives had not in their speeches held a language amounting to a threat of disobeying the laws passed by the General Government, which they considered unjust, as injurious to their interests, and in their conversations, a separation from time to time, was insinuated. In addition to this irritation manifested generally upon the opening of Congress by the Representatives of the Southern States, it should not be overlooked that Mr Carroll from whom Lady Wellesley's information was probably derived, had one grief in common with the citizens of the Southern States, though a native of a Middle State, Maryland, which was, that he participated in all their difficulties and embarrassments arising from having his property invested in a large slave population.

I promised His Majesty to diligently to inquire, in conformity with his commands, into the nature of any communications which might have

been made to the Foreign Office bearing upon the reports which reached His Majesty of a meditated separation of the United States, and I begged permission to attend His Majesty to lay before him the result of my enquiries.

Upon seeing Lord Palmerston and the Under Secretary, Mr Backhouse, I found that no communication had reached the Foreign Office touching in any manner upon a projected separation of the States.

On the 13th of April I waited upon the King at St James' and informed His Majesty that I could not find in the Foreign Office any confirmation of the reports which His Majesty had condescended to communicate to me, and I repeated that my knowledge of the carelessness with which Americans permitted themselves to talk of separation, while their keen sense of their own interests must obviously prevent them from hastily risking such an event, made me very loth to credit any but exact and official reports indicative of such an intention, and that at all events ample time would be given to Great Britain to adapt her policy to the passing events, and that nothing could be more prejudicial to British interests, than any manifestation of an expectation of such an event.

As the question of separation, according to the report of Lady Wellesley was decidedly to be a separation of the Southern States from the Northern ones, I took the liberty of putting into the King's hands a memorandum of the general divisions of the States, as it is considered in America.

Northern States are—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware.

The population of these ten States in 1820 was,—Whites 4,307,643. Free people of colour 107,828. Slaves 22,506.

The Southern States may be considered to be as follows—Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana. The population of these eight States including in them the district of Colombia was in 1820—Whites 1,967,296. Free coloured, 91,325. Slaves 1,299,829.

The Western States are—Ohio, Indiana, Illinois, Missouri, Kentucky, Tennessee. The population of these six Western States was in 1820. Whites, 1,607,851. Free coloured 13,670. Slaves 217,218. The territories of Michigan, Arkansas, Florida and the western districts had not in 1820 sufficient population to be admitted into the Union as States.

A consideration of the population of these States proves the imprudence and hopelessness of the Southern States seriously meditating a separation from the Northern States. The magnitude of their slave population which seems to keep them in a state of constant uneasiness, and the distress occasioned by that most expensive mode of agriculture, besides the Naval resources being almost exclusively confined to the ports of the Northern States, seems to render such a separation impossible. It is not probable that they would be joined by the Western States which have been peopled as much by emigration from the New England as the

Southern States, and the outlet for their agricultural produce is by Lake Erie as well as by the Mississippi. Besides the tariff having been supported in Congress by the Representatives of the Western States, the Southern States refused to receive from them their customary supplies of live stock.

My second interview with His Majesty terminated by his desiring me to give the paper which I laid before him to Sir Herbert Taylor and by commanding me to communicate to him anything which might come to my knowledge respecting the reported separation of the States.

On the 24th April I received a letter from Mr McTavish, who married the sister of Lady Wellesley and who lives in the family of Mrs Carroll of Maryland, in which he states, that the tariff question will not be settled until it comes before the House of Representatives, and that the Southern men are determined that there shall be a reduction in the duties and "it is even hinted that these delegations may not take their seats at the next Congress," unless they are met half way by the advocates of the tariff.

This is the only intimation I have had of the disposition of the Southern men to separate. In the Senate a debate had already taken place on resolutions moved by Mr Clay to support the American system, by continuing the high duties of the tariff of 1828, upon articles of Foreign manufacture which can enter into competition with similar articles manufactured in the United States, and the complaints of the Southern States and the arguments of the supporters of the American system may be collected from the speeches which have been transmitted to me by Mr McTavish, of Colonel Hayne of South Carolina and Mr Clay of Kentucky.

REVIEWS OF BOOKS

The Early History of Syria and Palestine. By LEWIS BAYLES PATON. (New York: Charles Scribner's Sons. 1901. Pp. xxxvi, 302.)

ONE who undertakes to popularize large and far-reaching discoveries in archæology and ancient history runs many risks of comparative failure. Professor Paton, however, may in his present venture be credited with a comparative success. The chief significance of the book lies in the endeavor to present briefly and impartially and in a handy form the most valuable results of recent research into the long and obscure period which antedates the regal era of Jewish history. To this purpose the greater portion of the volume is devoted. Most of what is included in the last hundred pages is already familiar to the majority of students through the many publications dealing with the later history of the kingdoms of Israel as illustrated by the monuments.

The more ancient period is dealt with by Professor Paton in nine chapters: "The Earliest Inhabitants;" "The Old Babylonian Supremacy;" "The Amoritic Migration;" "The Rule of the City of Babylon;" "The Canaanitic Migration;" "The Egyptian Supremacy;" "The Hittites and the Aramaean Migration;" "The Rise of the Aramaean Nations;" "The Period of the Hebrew Judges." In an "Introduction" (pp. ix-xii) the chronological system favored by the author is indicated, the most significant point being that Sargon of Agade is placed at B. C. 2750 instead of 3750, the date furnished by the Nabonidus text of VR. 64. The date given by Nabonidus is certainly astounding; but palæographic criteria are not unfavorable to it, and there seems no special reason why exactly 1000 years should be dropped from it in any attempt at abridgement. The antiquity of the oldest Egyptian records is also minimized so that the author feels himself justified in saying (p. 3) that "the oldest Egyptian and Babylonian records do not reach further back than 3500 B. C."

Like other recent writers, Paton has little definite to say of the earliest inhabitants of Palestine. They were of the stone age: and "he is inclined to trace the occurrence of fair-haired blondes among Jews and other Semites to a commingling with this primitive people." He states, however, that Semites only are mentioned in the oldest historical records not merely in Palestine but also in Babylonia. The presence of the Semites everywhere in the lowlands of western Asia he explains as the result of a series of "Migrations" from the Arabian peninsula. He attempts (p. 7) to find an approximate date (3500 B. C.) for the first

Semitic overflow upon both eastern and western lands by inferring a sort of periodicity from the observed dates of later historical migrations. But the principle is precarious; and linguistic evidence alone makes it evident that there were Babylonian Semites long before the time thus alleged.

It is a pleasure to note that our author has estimated aright (p. 21) the nature of the "old Babylonian supremacy" (3200-2500 B. C.). It was in reality rather a commercial and colonizing occupation than an oppressive imperialistic dominion. His allusion, therefore, to a Babylonian "empire" over western Asia in these remoter days (pp. 17-22) must be taken as a figure of speech. There was no real empire in western Asia till the days of Tiglathpileser III., and the imperialistic idea in the strict sense is of Assyrian origin.

The "Amoritic Migration" (2500-2230 B. C.) is inferred mainly from the data furnished by Glaser, Hommel, and Sayce, which apparently show that there were Amorites in Babylonia at the period in question, as well as in Palestine, and that these founded a dynasty of their own, which was replaced by that of the Elamites. In connection with the invasion of Palestine by the latter people an interesting discussion (p. 31 ff.) is given of the historical situation described in Gen. xiv. The author decides that the Biblical story is in error when it makes Abram (Abraham) to have been the contemporary and conqueror of Amraphel, the Chammurabi of the monuments. Of the great patriarch he adds (p. 41): "These two names must have belonged originally to distinct personages. Abraham was the collective name of a group of Aramaean peoples, including not only the Hebraic clans but also the Ishmaelites and a number of other desert tribes. Abram was a local hero of the region of Hebron."

I can only allude to the following chapters by saying that they also may be commended to students as a repository of the latest information and the most ingenious theories upon the origins and relations of the oldest historical peoples of Syria and Palestine. The author may on the whole be classed with the school of Hommel and Sayce, but he is more sober and cautious than either, and his present book is therefore of more permanent value than their publications upon the same subject. It will be understood that his work is not in form a history but a narrative and descriptive sketch, which owes its value to its repleteness with facts and its suggestiveness.

A few inconsistencies may be noted. "Syria" is derived (p. ix) from Suri, which, in the view of the author, "meant Northern Mesopotamia and the adjacent districts of the Armenian and Taurus mountain chains." The combination is very doubtful. The author does not claim, however, that Suri embraced every part of classical Syria (pp. 16, 18), yet on map I (p. 20) Suri is made to comprise northern Syria. On page 39, Deut. xxvi. 5 is translated "an Aramaean ready to perish" while on page 114 we find the same phrase in the correct form: "a wandering Aramaean." Perhaps the etymologies of proper names are the most questionable feature of the book. It is hazardous, for example,

to explain Japheth as meaning "fair" (p. 5) and to connect Martu (Syria) with the "land of Moriah" (p. 16).

The full chronological tables (pp. xiii-xix) and the rich bibliography must not be overlooked. The reader would be the better of having some indication of the relative value of the books mentioned in the lengthy list. The treatises at present worth reading or consulting might perhaps have been marked with an asterisk. Among the articles upon Gen. xiv. (p. xxxi) might be added the valuable discussion by Bacon, "Abraham the Heir of Yahweh," in the *New World*, Vol. VIII.

J. F. McCURDY.

Histoire des Israélites depuis la Ruine de leur Indépendance Nationale jusqu'à nos Jours. Par THÉODORE REINACH. Deuxième Édition. (Paris: Hachette. 1901. Pp. xvi, 415.)

FOR the average person the history of the Jews ends with the destruction of Jerusalem by the Romans in the year 70 A.D. As a matter of fact it would be nearer the truth to begin Jewish history in the proper sense of the term with that date. The period previous to the loss of Jewish national independence is Hebrew history, divided again into various periods, beginning with the settlement of the Hebrews in Palestine and ending with the establishment of Judaism. In a stricter division Jewish history might be said to take its rise a century or two before the destruction of Jerusalem, when naught but a shadow of national existence remained. M. Reinach has therefore done a valuable service in opening up to the general reader the sources for the study of Jewish history during the long period that follows upon their dispersion throughout the world, and it is a testimony to the success of his undertaking that a second edition of his work, originally published in 1884, has been called for. The new edition has been revised and corrected, but with the exception of the last chapter, which has been practically rewritten, differs in no essential particulars from the first edition. The headings of the chapters have been changed somewhat, the entire subject divided into five books, and here and there paragraphs have been added or omitted. The work is intended for the general reader, and the plan adopted by Reinach is admirably suited to this purpose. The first period of Jewish history extends to the year 950 A.D. and covers in four chapters a general account of the state of Judaism before the destruction of Jerusalem, a survey of the Talmud, and then proceeds to trace the history of the Jews under the Roman Empire and in the Arabic world down to the extinction of the last trace of an ecclesiastical authority controlling the religious fortunes of the Jewish people. The second period, which comes down to 1200 A.D., treats of the condition of the Jews under Mohammedan rule and in the days of the crusades. In this section we are introduced to the Jews of Spain, Italy, France and Germany, their literary attainments as well as their relationship to the nations around being dealt with in an instructive and interesting manner.

The third section—in some respects the most important of all—covers the period 1200 to 1500 A.D. and is largely taken up with the darker phase of Jewish history involving persecution, followed by expulsion or proscriptive laws. The dawn of a new era is marked by the Renaissance and the Reformation, though several centuries elapse before the movement for a rehabilitation of the Jewish citizens in the various European states actively begins. It is hardly just to call this fourth section, extending from 1500 to 1750, “a period of stagnation,” for whether from an intellectual or a political point of view, the condition of the Jews certainly represents an advance over previous centuries. Reinach properly dates the “recent” history of the Jews from the middle of the eighteenth century, and in the chapter on the French Revolution clearly shows how this event marked the turning point in their fortunes. To many readers the last chapter on the nineteenth century, which is an admirable statement of condensed writing, will prove the most interesting. In rapid survey he traces the progress and status of Jews in Europe, Asia and America. In his conclusion he touches upon some of the phases of what is sometimes called “the Jewish problem.” Reinach writes in a broad spirit, and his impartial yet sympathetic statement as to the position occupied by the Jews at the present time will commend itself to the intelligent reader. Special attention might be called to the very valuable bibliography which Reinach has attached to his book and which it is gratifying to note is far more extensive than that found in the first edition. It is to be regretted, on the other hand, that he should have omitted a chronological table which is found in the first edition, and which is both more convenient and fuller than the brief list of principal events which he has substituted for the table in the new edition. The statistical table in the first edition was no doubt defective, but instead of being suppressed in the second edition it should have been corrected and brought down to date.

Throughout his work the author is animated by the evident desire to place the facts clearly and dispassionately before his readers and this manual is, therefore, to be heartily recommended as a safe and profitable guide to all who wish to inform themselves of the remarkable fortunes encountered by a people that has made such significant contributions to religion, science and civilization.

MORRIS JASTROW, JR.

Plutarch's Themistocles and Aristides. Newly translated with Introduction and Notes. By BERNADOTTE PERRIN. (New York: Charles Scribner's Sons. 1901. Pp. xii, 342.)

It is seldom that a book fulfils the proposals of its preface so exactly as this. To the ordinary English reader it seeks to offer a translation which though it owns the impossibility of reproducing in English “the illusive qualities which distinguish one Greek style from another” may still bring out “the spirit of Plutarch as a writer of *Lives*: the easy and comfortable movements of his thought; his attitude toward men who are strug-

gling with great problems of life and destiny ; his amiable weaknesses as a judge of historical evidence ; his relish for the personal anecdote and the *mot* ; his disregard of the logic and chronology of events ; his *naïve* appropriation of the literary product of others ; his consummate art in making deeds and words, whether authentic or not, portray a preconceived character,—a more or less idealized character ;”—and finally to convey an impression of that “atmosphere of bountiful literary tradition which Plutarch amply breathed before and as he wrote.” To lovers of Greek history, notes and translation may show how the stories of great events gained and lost in the retelling, how reputations rose and shrunk in the fashions of tradition and “how for six centuries romance and invention went on weaving their unsubstantial robes around the dim figures of the man of genius and the man of mediocrity.” To students and teachers in the schools and colleges they may afford a welcome opportunity “of getting behind the stereotyped phrases of the ordinary manual of Greek history into that stimulating atmosphere of doubt and uncertainty before conflicting testimonies which nourishes the judgment rather than the memory.” To the professional student of Greek history the book modestly ventures to appeal only as an opportunity to compare his own opinions with those the author has formed, after weighing evidence accessible to both. But to the professional student of modern history it does most confidently appeal for so much attention as may convince him, if not already convinced, “of the substantial identity of the problems and methods of historical research in fields so remote from each other as this from his.” Under every count the book's appeal is justified by its works, and will be heard.

The demand for a new translation of the *Lives* is imperative. No other Greek work is or ever has been so much read in English form as this. The version of Sir Thomas North (1579) spoke to the Elizabethan age ; it was Shakespeare's Plutarch and is a classic. But it was a translation from the French not the Greek, and for that matter has long since passed to its place among the monuments. The Langhorne translation (1770) with its mingled flavor of class-room rendering and gentle paraphrase has long since passed out of use. The translation which first appeared in 1683 under the name of Dryden and in 1859 took new lease of life through the revision of Arthur Clough served more than any other the use of the last generation. Its style is tedious and heavy ; Plutarch's long concatenation of clauses it reproduces with patient faithfulness ; the easy tone of conversation, whereby the sentence structure is redeemed, it fails to catch. As an exhibition of faulty bony structure it is a success, but the ameliorating flesh is not there. If there be however anywhere difficulties of interpretation, there is no lack of the obscuring gauze or convenient padding

Perrin's version may always be relied upon for accuracy ; it is always finely responsive to the subtlest values of particle, tense, vocabulary,—and seldom at the expense of good, straightforward English. Its distribution of Plutarch's rambling periods into clear English sentences is

accomplished with a cleverness of art worthy of all admiration, an admiration which those will best know how to render who have ever set themselves to the task of turning one of the biographer's paragraphs into genuine English.

Half the volume is occupied with the notes. These are scholarly, and never pedantic. All that the average non-professional reader can fairly ask for by way of explanation is generously offered. The strength of the annotation goes toward establishment of the historical background, toward measuring the departure of story from history and tracing the motives of the departure. Skepticism has full hearing; not always, we fear, Plutarch. Whatever is left standing can at any rate be safely regarded as history, and furthermore it must be said that though Plutarch is continually denied credence, it is done in so kindly and withal so charitable a spirit that the genial old Bœotian would scarcely take it amiss himself. Investigators in the field of modern history are likely to find these friendly little encounters between Plutarch and Perrin the most interesting and instructive portions of the volume.

The introductory essay on "Plutarch the Biographer" is a model for its kind both as to matter and to style. It is the most readable, and I believe also the sanest estimate of the great biographer and his works that exists. The separate essays on "The Themistocles" and "The Aristides" are valuable as containing the clearest available summary of the sources of these writings and of the method of their use. The essay on "Biography before Plutarch" might well have lain in fermentation somewhat longer.

BENJAMIN IDE WHEELER.

Justinien et la Civilisation Byzantine au VI^e Siècle. Par CHARLES DIEHL. (Paris: Ernest Leroux. 1901. Pp. xl, 692.)

THIS volume belongs to a class of encyclopædic works which is attractive and useful to the historical student. While it can hardly claim to be an original contribution to our knowledge, it yet brings together into an available form the most important materials which belong to the period under consideration. Special students in art, law and religion might desire more exhaustive discussions in their respective fields of inquiry. But it is difficult to imagine how a more comprehensive and scholarly survey of the whole range of Byzantine culture could be given in a single volume. The work is one of a series entitled *Monuments de l'Art Byzantin*, published under the direction of the Minister of Public Instruction and Fine Arts. The author is familiar with the subject of which he treats. For fifteen years he has been an assiduous student of this and allied topics, and he has in that time published a number of volumes in the archæological field. The results of his special studies are conspicuous in the pages before us, which may be regarded as an epitome and culmination of his previous labors.

The present work shows the author to be not only a critical observer of historical facts, but a broad historical scholar who has thoroughly

mastered the literature of his subject. The period covered by the reign of Justinian is prolific in sources of information ; and the author has prefaced his work with a comprehensive survey of these sources, Greek, Latin and Oriental, juridical and diplomatic, literary and monumental. The careful examination of original authorities and the unstinted use of the extensive material brought within his reach, indicate an unusual capacity for research. The work is a thesaurus of facts. It is clear and systematic in its arrangement, and evinces a good sense of historical perspective and proportion. The author divides his subject into three books. The first book deals with the personnel of the government, including a description of the Emperor Justinian, the Empress Theodora, the palace and the court ; the second book, with the work of Justinian, including the government and administration of the empire ; the third book, with the Byzantine civilization of the sixth century, as shown in the great cities of the empire, especially in Constantinople, Athens, Antioch, Rome and Ravenna. M. Diehl recognizes the difficulty of forming an impartial judgment regarding the character of Justinian, especially as the most distinguished historian of the time, Procopius, has given us such contradictory views as those contained in the *Edifices* and in the *Secret History*, the one describing the Emperor as superior to Themistocles in the success of his arms and to Cyrus in the wisdom of his administration, while the other represents him as comparable only to Domitian, a *mélange* of feebleness, of corruption, of dissimulation and of cruelty. The true estimate of Justinian, according to M. Diehl, can be formed only by reading Procopius by the side of the less distinguished and less prejudiced historians, Agathius, Evagrius and John of Ephesus, and above all by studying the deeds of the Emperor himself. The military, administrative, religious and diplomatic work of Justinian is reviewed in these pages with great appreciation, not to say admiration. The least satisfactory chapter is that which treats of the legislation of the Emperor. While the successive steps in the codification of the law are described with some degree of fullness, the author hardly seems to have a full appreciation of the historical significance of the *Corpus Juris* itself.

The third book, reviewing the Byzantine civilization of the sixth century, is remarkably well-conceived and well-written. The city of Constantinople, the center of eastern culture, with its intellectual and political agitations, its hippodrome, its church of St. Sophia, its varied phases of religious life, its commercial activity—the city of Athens, with its survivals of paganism—the city of Antioch, with its riches, its grandeur and its rags—the city of Rome, with its new ecclesiastical imperialism—the city of Ravenna, with its reflections of Byzantine art—are all presented to the reader with picturesque vividness, as well as conscientious regard for truth and accuracy. In addition to a luminous literary style M. Diehl has given us a fine example of the art of illustration. His pages are profusely set with well-selected gravures of coins, medallions, mosaics, busts, plaques, architectural exteriors, interiors and details, plans, columns, pilasters, capitals, panels, reliefs and other illus-

trative materials. Considering its many excellencies, its breadth of view, its scholarly treatment, its accumulation of facts, its systematic arrangement, its lucid style, this latest work of M. Diehl must be regarded as one of exceptional merit, and a valuable aid to the student of this period.

WILLIAM C. MOREY.

Select Documents of English Constitutional History. Edited by
GEORGE BURTON ADAMS and H. MORSE STEPHENS. (New York :
The Macmillan Co. 1901. Pp. xviii, 555.)

FOR many years Stubbs's *Select Charters* has had no rival as a useful medium for bringing students in contact with the sources of medieval English history; but the fact that this book comprises mainly Latin documents has prevented its wide use in colleges and universities. During the past decade various attempts have been made to replace it with "reprints," "source-books" and "select documents," in the form of translations of the originals covering the whole ground of English history. There is danger of over-production in this field of activity. Some teachers who lack the requisite equipment have been tempted to undertake a kind of work which, if well done, requires a high standard of judgment and an expert knowledge of the sources. No historical task is more difficult than the accurate translation of medieval texts, for the meanings of many words cannot be found in Du Cange or other glossaries, but are learned only by long experience in using medieval Latin. Moreover, a good selection of extracts from the sources of English history, medieval and modern, presupposes a wide knowledge of those sources, which can be adequately acquired only after many years of hard study. Finally, the proper use of a good book of this kind in the class-room demands skill and learning on the part of the teacher.

In view of all these difficulties we are glad to welcome a collection of *Select Documents* edited by two of our most experienced university professors. Within the periods covered, from the Norman Conquest to 1885, the editors have aimed especially to illustrate constitutional and legal history; and therefore they give few extracts from the chroniclers or narrative sources. The chief fault that may be found with the scope of the work is that it begins with the reign of William the Conqueror. Though the best authorities are now inclined to accept the view that the Norman Conquest marks a "red line" of separation between what precedes and what follows, a full course of English history should include some study of the Anglo-Saxon period; therefore a few pages of extracts from the Anglo-Saxon sources would add much to the value of this book. Perhaps, too, a little space might advantageously have been found for material illustrating local government under the Plantagenet kings.

Professor Adams is responsible for the editing of the documents up to 1485, and his share of the undertaking was particularly difficult, because most of his material had to be translated. Many of the translations he has made himself; some he has borrowed from other books. The result is that the same Latin word or phrase is sometimes rendered dif-

ferently in different documents (for example, *comes Andegaviae*, "earl of Anjou," p. 40; "count of Anjou," p. 42). The work of translation has been well done, but it would be surprising if such a task could be accomplished without any errors. *Maritatio* in Henry I.'s charter of liberties seems to be equivalent to *maritagium* in the Great Charter, and denotes marriage portion, not "right of marriage." Would it not be better to render the last sentence in Chapter VIII. of Henry I.'s charter, "But if he shall have been convicted of treason or of felony, he shall make amends as is just"? *Sine emendatione* in Chapter XIV. of that document does not mean "without alteration," but without amends, *i. e.*, without any penalty. *Personae* in the Constitutions of Clarendon can mean "persons" only in the obsolete sense of that word, *i. e.*, parsons. In Chapter XII. of the Assize of Clarendon the last sentence is translated: "And if he shall not have been publicly suspected on account of the possession which he has, let him go to the water;" but if the comma is placed where it seems to belong, after "suspected," the sense of the whole passage is changed. The translation of *si ad aquam mundus fuerit* in Chapter I. of the Assize of Northampton (p. 21), "if he shall have been to the water whole," can be improved by comparing this enactment with Ethelred's Laws, III., c. 7, where we read of a person's having been "clean" (declared guiltless) at the ordeal. Does *hospitatus* in Chapter II. of that assize mean "hospitality" or the person who has been entertained? The proper translation of the last sentence of Chapter VII. of the Assize of Northampton seems to be, "They shall also hold the assize concerning robbers, etc., throughout whatever counties they are to visit, which (assize) was enacted by the advice of the king, his son and of his vassals."

In Chapter X. of the same text *de assiso redditu* should be rendered "fixed rent," or "rent of assize," instead of "returns from the assize"; and in Chapter XI. there is no reference to "payment," but the justices are to inquire who "owe" castle-ward, how much of this service they owe, and "where" they owe it. In the document of 1194 (p. 33) *super rotulum* denotes that the Jew is to swear, not on the roll or register of deeds, but on his roll or scroll of the Holy Law (the Thorah). Why should he swear on a register of deeds? The same phrase occurs in *Rotuli Chartarum* (ed. Hardy) p. 93; and the Jewish oath was taken in this way in modern as well as in medieval times (see F. Nicolay, *Histoire des Croyances*, 1901, Vol. I., p. 352). In Chapter XIV. of the Great Charter, for "under seal" read "singly" or "individually."

These corrections and queries are not presented in condemnation of the editor's work, but rather in response to his request for suggestions. The translation of medieval documents allows a wide latitude for conjecture and difference of opinion; and no translator or critic of a translator's work is infallible. The book of Professors Adams and Stephens is the best of its kind, and will doubtless do much to facilitate the teaching of English history.

CHARLES GROSS.

A History of England from the Earliest Times to the Death of Queen Victoria. By BENJAMIN TERRY. (Chicago: Scott, Foresman & Co. 1901. Pp. xii, 1100.)

To produce another general history of England which shall really be helpful requires an accurate knowledge of recent monographic literature, good judgment in the selection and arrangement of the materials, and a fair degree of literary skill in telling the story. In its general plan and execution Professor Terry's book has decided merits. It is not in any large measure, as the reader is frankly warned in the outset, a work of original research; but in most cases the author has known how to choose safe guides. In treating the many difficult questions of the Saxon and the later medieval periods, for example, he has wisely adopted the conclusions of such writers as Ramsay, Maitland, Round, Vinogradoff and especially those of Bishop Stubbs. Indeed it is the advantage of his work that it summarizes to date the results of special investigation. Moreover the narrative is dignified, forceful and attractive. There is a very well balanced distribution of space in treating the various periods and their subdivisions; while in the thirty-five maps and the thirty-five genealogical tables the reader is provided with excellent helps. There is, however, a very serious defect in the working apparatus. With the exception of an occasional foot-note, bibliography is entirely neglected. One cannot help feeling that Professor Terry has here committed a grave mistake in judgment. The day of one book in the study of history is passed. Bibliography is no longer to be regarded as a mere appendage or luxury which may be disregarded for the purpose of economizing space. A due consideration of the materials, both the sources and the general authorities, is an essential element of good historical work, however general. In a text-book it is furthermore required as an aid to right method of study and teaching. In a field bristling with hard problems, such for example as that of early English institutional history, foot-notes or the equivalent are absolutely necessary to a sound treatment. Often a statement of the problem, with the different views of specialists, is the best that can be done. It is the author's safeguard against the perils of a too fluent or dogmatic narrative.

Part I., covering in 124 pages the period to the accession of Edward the Confessor in 1042, is entitled "Teutonic England. The Era of National Foundation." The first chapter presents a compact and readable account of the Roman occupation and of the successive populations inhabiting Britain before the Roman Conquest. The next six chapters are devoted to the settlement of the Germanic tribes, and to the evolution of the Anglo-Saxon state and society to the rise of Norman influence under Edward the Confessor. In the main, Professor Terry has acquitted himself well in this part of his task. According to the commendable plan which he announces in the outset, he has treated with more than usual fullness in a book of this character the development of institutions. The local organization, in particular, so vital a part of old English his-

tory, is given something like the consideration which it deserves. Still there is no connected analysis of the local or the central constitution. To learn all that the author has to say on the shire or the hundred, for example, one must piece together what is given in connection with the different reigns. It is the old difficulty of harmonizing or combining the chronological and the topical methods. In this case, apparently, there would have been a clear advantage in a sustained discussion, perhaps in a separate chapter, of the institutional development, even at the expense of some repetition. Then there is danger of sacrificing accuracy to brevity or surrendering it for the sake of unqualified statements. It is certainly rash to assume, for instance, that the frithgilds of London—the police organization described in the *Judicia Civitatis Lundoniae* of Athelstan's reign—were ever actually extended to the other parts of England; this assumption perhaps rests on the authority of Ramsay. Again, in connection with the hundred system of Alfred, we are told that “to give weight and dignity to the decisions of the hundred court, the great land owners of the district who possessed five hides of land or more, the *thanes*, were required to be present and to assist the court in rendering just decisions. They themselves, however, were exempt from the jurisdiction of the local court, and held in their own halls a coördinate court for their people.” This is somewhat too summary a disposal of the vexed question of the origin of private jurisdictions. Positive proof of their existence before the reign of Cnut has not as yet been produced.

Part II., 1042–1297, contains a good account of the very difficult period of “Feudal England. The Era of National Organization” (pp. 125–316). The story of the Conquest is vigorously told; and the rise of Parliament, in its two Houses, carefully traced. The local organizations, however, are not adequately treated. A much fuller account, for example, of the rise and original character of trial by jury should have been given in order to convey the right impression of its real nature during the Norman period.

Part III., “National England. The Era of National Awakening,” is divided into three “Books”: the first dealing with the “Social Awakening,” 1297–1485; the second, with the “Religious Reformation,” 1485–1603; and the third, with the “Political Revolution,” 1603–1689 (pp. 317–804). No attempt can here be made to present a detailed analysis. On several important points the author's statements appear to require some modification. In the light of the most recent research the peasant rising of 1381 should be characterized more emphatically as an economic and social revolt; and in some of its leading incidents, notably the King's part at Mile End and Smithfield, the conventional story derived from Froissart must now be abandoned. Again, since the appearance of Miss Schofield's monograph, it is scarcely accurate to call the Court of Star Chamber a “special committee of the king's council.” The two chief justices were members of the court, but not of the council; and with this exception, even during the reigns of Henry VII. and Henry VIII., the two bodies were practically identical.

in composition and functions. On the other hand, it is clearly an error to say that the High Commission Court was first made permanent in 1583. The commission of that year, of which no copy exists, was probably not essentially different in this regard from those of 1576 and 1601, or from any of those issued by the first two Stuarts. In fact the Court was as "permanently" organized under the first commission of 1559 as it ever was. Even the authority by which the celebrated oath *ex officio* was administered was then granted. Perhaps the best part of Professor Terry's book is that devoted to the Puritan Revolution and the interregnum. Here he has based his discussion mainly on the documents comprised in Gardiner's convenient collection, and the results are gratifying. Cromwell's greatness of character and the striking modernness of his views are properly appreciated.

Part IV., devoted to "Imperial England. The Era of National Expansion," brings the narrative down to the close of the nineteenth century (pp. 805-1068). The long course of social, economic and political growth and reform is carefully traced. There is, however, a singular omission, considering the author's avowed purpose of accenting the history of institutions, and considering the space devoted to it in the Saxon period. With the exception of passing references to manors, courts and towns, local institutions are practically dropped after the Norman Conquest. The parish, for instance, save for a notice of the newly created parish councils, is entirely ignored. The same is true of the quarter sessions, the poor law union, the municipal borough, and the various local boards which have arisen in recent times. Furthermore, one searches in vain for an account of Cabinet government, the ministerial system, or the modern Houses of Parliament. The book is provided with a table of contents and a good index.

GEORGE ELLIOTT HOWARD.

Owen Glyndwr and the Last Struggle for Welsh Independence.

By ARTHUR GRANVILLE BRADLEY. [Heroes of the Nations Series.] (New York and London: G. P. Putnam's Sons. 1901. Pp. 357.)

THE title of the series to which Mr. Bradley's book belongs imposes upon him the necessity of a certain amount of glorification of his subject, and prevents criticism of that subject's character, at least to the extent of depriving it of the element of heroism. Except for this necessity, more might certainly have been said of the purposelessness of Glyndwr's rising, of its destructiveness, of its lack of any constructive elements. The revolt of which he was the leader, if not the creator, seems like a tidal wave; as obscure in its causes, as resistless in its devastating progress, as futile in its reflux. Yet the same thing would have been said of the work of Wallace and Bruce, if this had not been justified by an ultimate success, and the man is none the less a hero in spirit because he labored for a losing cause.

Glyndwr emerges from the obscurity of the petty Welsh gentry, marked only by the possession of some of the old Cymric princely blood, and by a personal vigor and charm which afterwards drew many strange allies to him. He resisted the power of the Marcher barons, awakened the half-sleeping national spirit of the Welsh peasantry, utilized their always wakeful love of plunder, and for five years kept Wales swept reasonably clear of Englishmen, except in as far as they were ensconced in their castles or engaged in rapid and futile marches across the country. Then the perseverance of Henry IV. and the young Prince of Wales backed by the superior numbers, wealth, organization, and equipment of England made itself gradually felt, till Glyndwr was at last driven into exile and the Welsh again reduced to obedience. These events are told in this book with a clearness, reasonableness and fullness greater than anywhere else. It seems impossible that anything about his hero could have escaped Mr. Bradley's minute search, and impracticable for the known facts to have been grouped so as to tell the story better. In fact, Mr. Bradley is inclined to accept mere later traditions even too readily, on the ground that it might have been true, and in the paucity of definite contemporary statements. More than once, what has been admitted in the first place as a suggestion or a mere possibility comes in after discussion to be treated as an established fact.

The narrative is flanked by an introductory and a concluding chapter intended to trace the development of Wales up to the beginning of Owen's rising, and to follow its main fortunes since the close of that episode. In still another way Mr. Bradley has done much to make the surroundings of Glyndwr seem real. There is a fine picturesqueness in all his descriptions of the country in which the events took place. Scarcely a place is mentioned without some visual touch of description which shows that the author has seen it in person, and in many cases an excellent photographic reproduction of its modern appearance is given. Wales itself therefore is real enough. Yet for all this completeness of statement and conscientious and skilful use of the sources, Glyndwr remains a very shadowy personality. He was a national hero because he embodied and led a national rising, and because his name has been retained by the long memory of the Welsh. All that we can know of him is well told in this book, but even here there is nothing very tangible to set over against the wizard of Shakespeare's *Henry IV.*

E. P. CHEYNEY.

Registres du Conseil de Genève. Tome I. 1409-1461. (Vols. 1-4.)

Publié par ÉMILE RIVOIRE. (Geneva: Kündig. 1900. Pp. ix, 558.)

PUBLISHED under the auspices of the scholarly Société d'Histoire et d'Archéologie de Genève, this is an accurate and complete reprint of the first four volumes extant of the transactions of the *consilium ordinarium*, and the two larger councils of Geneva. The following facts drawn from

the *Registres* will indicate the nature of the records and the local institutions.

The *consilium generale*, composed of *cives, burgenses et incolæ* (or *habitatores*) [possibly those *habitatores* who had received the *sufferta*?] was the primary assembly of the commune. It assembled in the cloister of St. Peter's monthly (1459), or quarterly (1460), and exercised control over the two smaller councils, and the communal officers. It levied taxes, elected syndics and some other local officers, regulated price of wine, and ratified or rejected treaties. The four syndics, the constitutional executive officers of the commune, were elected by the *consilium generale*, the first Sunday in February. They received the oaths of the officers of the commune, and of the administrative representatives of the Prince-Bishop and Duke of Savoy. By 1409, when these records begin, the syndics had established the custom of associating with themselves, the four syndics of the preceding year and a number of councillors, usually eight, to form the *consilium ordinarium*. This council (the *petit conseil* of twenty-five of the sixteenth century) met every Tuesday, and usually three to five times weekly. It made a monthly tour of inspection of the city; elected the treasurer; conducted negotiations with bishop and duke; passed ordinances regarding grading, paving, cleaning, lighting streets, swine, fires, sanitation, prices of food and drink and hours of sales, courtesans, mendicants, games, schools, and carrying of arms. Between 1457 and 1460, there are the following suggestive indications of a play of democratic and aristocratic tendencies. In 1457, the council of fifty is created by the *consilium generale*, to avoid discussion in the latter of delicate diplomatic matters, and to check or sanction the action of the *consilium ordinarium*. The fifty are at first elected by the *consilium generale*, but in 1459 by the *consilium ordinarium*. A caucus of the two smaller councils, *unacum doctoribus et notabilioribus*, failed to dictate the nomination of "more useful" syndics in 1458; but in 1460 the two smaller councils nominated the successful candidates. In 1459, the *consilium generale* ordered that at its monthly meeting six or seven chapters of the *franchises* should be read, and three explained in the mother tongue, and an opportunity given any one to complain of any injury done in violation of this city charter. In 1460, the *consilium generale* revised a tax levied, under its orders, by the smaller councils, and forbade the fifty to levy taxes without the knowledge of the primary assembly.

The editors, MM. Rivoire, Dufour-Vernes, and Covelle, have transcribed the faded, abbreviated, and ungrammatical Latin with patience and skill. The only modifications of the difficult originals are of real service to the modern reader, viz.:—systemizing of capitalization and punctuation, and completion of the abbreviations. The valuable index of seventy-one pages gives modern French equivalents of places and low Latin words, and distinguishes by italics things from persons. It is usually accurate, though not complete. A few omissions of interesting items have been noted:—*L. Quinquaginta Consilium*, 167 (its creation!); *receptor*, 27, 132; *Carrerix*, 107, 140, 148, 308; *cridæ*, 120,

123, 133, 268, 289, 351. The index to future volumes would be even more useful, first if more complete, at least under headings indicating constitutional processes, *e. g.*—*receptor*, 27, 132 (whose election is incorrectly assigned by Kampschulte to *consilium generale*), *electiones sindicorum* (ten out of sixteen omitted); second, if items were grouped logically rather than etymologically, *e. g.*—all proclamations should be found together under *cridæ* (cries) and not, as now, eight of them under *crida ville* (crieur) simply because *crida* occurs in the singular; and the election of syndics, pp. 69, 132, 135, 138, should not be omitted but entered under *electiones sindicorum*, though the form may be verbal, *electi*, or *fiat sindicus*.

Such a painstaking and generous publication is a genuine contribution to scholarship. The first official records of the growth of Genevean institutions possess far more than local interest, and the continuation of their publication, already undertaken by the society, will be eagerly awaited.

HERBERT D. FOSTER.

The Epistles of Erasmus from his Earliest Letters to his Fifty-first Year, arranged in order of time. English translation by FRANCIS MORGAN NICHOLS. (London: Longmans, Green and Co. 1901. Pp. xciii, 39, 496.)

AN event of no little interest to English students of the Renaissance is the appearance, for the first time, of a translation of the letters of Erasmus. Mr. Francis Morgan Nichols, the translator, has moreover done much more than merely to translate. He has undertaken to arrange the correspondence down to the year 1517 in a reasonable chronological order and to state at considerable length the reasons for his arrangement. The sequence of the letters is shown in a chronological register, and the explanations are given in a running commentary which is to be found partly at the beginning of the several chapters and partly in connection with each letter as it occurs. The present volume covers the period to 1509; a second volume extending to 1517 is to be expected.

Mr. Nichols's qualifications for his work are many and sound. He knows the Erasmian Latin with a knowledge other than that of the mere classicist. He seldom fails to get the right word or phrase to express the not always perfectly obvious meaning of the great stylist. His own style is easy and occasionally goes far to suggest the actual mood of one of the moodiest of men. So far as their general interest is concerned, the letters here given are perhaps the least attractive in Erasmus's whole correspondence. They begin with two groups probably written during and immediately after his residence in the monastery at Steyn; letters so obviously conventional in subject and tone that Mr. Nichols is probably right in his conjecture that they are little more than rhetorical exercises. They introduce us to the narrow circle of Erasmus's first literary sympathizers, with whom he kept in touch only so long as he needed them. His departure from the monastery, and the failure of his first attempts to

get his living from a patron led him into correspondence with various possible Mæcenases of whom we get glimpses especially in the letters to Battus and his first English friends at Paris. Gradually the capacities, the ambitions and the dominant passions of the man began to reveal themselves. We have in the first eight chapters of Mr. Nichols's collection about one hundred letters bringing the correspondence down to 1500 and including the first visit to England, probably in 1499. So far Erasmus had published practically nothing. He was nearly thirty-five years of age when he leaped at once into fame by his collection of *Adagia* published at Paris in 1500. This direct service to sound learning gave an immediate widening to his horizon and this is reflected in his correspondence. His increasing seriousness of purpose recommended him slowly to the attention of more and more persons, and he seldom had dealings with any one without leaving some epistolary trace. Mr. Nichols's arrangement brings out this development very clearly.

As to the chronology we may well doubt if any more conscientious or capable analysis is ever likely to be applied to this problem than may be found here. Certainly none ever has been. And yet it is pretty much all guess-work. The uncertainty is inherent in the nature of the case. Erasmus either cared nothing for chronology, or was quite willing to cover up the traces of many not altogether savory episodes in his early life by deliberately dropping or changing dates. He had no fixed system of dating, nor can we ever be sure that he changed his method to conform to the practice of the country in which he happened to be. His editors have been as indifferent as himself; so that the modern student is practically reduced to the text of the letters themselves for his points of attachment. Mr. Nichols has frankly accepted this situation and has done his best to interpret his text with reference to every allusion that could suggest a fixed point of time. In all this early period such allusions are rare; the case of the anniversary of a striking event, fixing Erasmus's departure from England is a great exception, and even here we have to change a date by a full year and accept a day and month on doubtful authority. Even all Erasmus's attempts to date events—generally rather roughly—by reference to his own age are of uncertain value since we are not sure of the year of his birth and have grave reasons to doubt whether he knew it himself.

It would therefore be too much to say that Mr. Nichols has settled, once for all, the vexed question of the Erasmanian chronology, nor would he be in the least inclined to make so large a claim. What he has done is to offer a series of reasonably consistent arguments for a sequence which presents no gross violations of probability. He has brought to bear upon his task a great deal of learning and not a little information that may fairly be called in this connection "original." His work is likely to serve as at least a safe starting-point for future students in this unlimited field.

Thomas Wolsey, Legate and Reformer. By ETHELRED L. TAUNTON. (London and New York: John Lane. 1902. Pp. ix, 254.)

THE REVEREND FATHER TAUNTON, who has already made valuable and interesting contributions to the history of the Roman Catholic Church in England, has produced a work on Wolsey which is professedly a study of certain aspects of the great Cardinal's career rather than a complete biography. Leaving Wolsey the statesman almost entirely out of account, he devotes his main energies to Wolsey the churchman. While the author's enthusiasm for his subject carries him so far as to make him a special pleader, he has succeeded in calling attention to, and throwing light upon, an aspect of Wolsey's character and work which has been rather inadequately considered by modern historians. Father Taunton lays particular emphasis on the Cardinal's plans and endeavors for reforming the church in England, though the evidence which he cites fails to substantiate his somewhat extreme thesis: "that had his [Wolsey's] plans for reform not been interfered with by the Divorce, the religious history of England would have been very different. For Wolsey saw the disease and knew how to apply the remedy." The Cardinal legate's work of reform is considered under four heads: Enforcement among the clergy of a high standard of morals, discipline and duty by means of visitations; giving them greater opportunities for education by means of new foundations; transforming the abbeys of the larger towns into bishoprics; guarding against heresy, but rather by increase of knowledge than by repressive violence. Wolsey's efforts in behalf of education are well known; and the project concerning the bishoprics was a statesman-like conception later carried out, to some extent at least, by Henry VIII. and his successors. But the author fails to convince us that Wolsey was in the way of accomplishing much toward reforming the lives and discipline of the clergy. After describing a few of his efforts in this direction, mostly still-born, he leaves us nothing beyond the assertion that at the time of the Cromwellian dissolutions the monasteries included in Wolsey's legatine visitations were found to have been the best ordered of any. As to his treatment of religious innovations, the fact that he was not cruel by nature, that he was immersed in public occupations and little concerned with theological speculation, together with the fact that Protestantism had not yet grown to be a menace to the state will explain why Wolsey was no blood-thirsty heresy hunter, without ascribing to him any deep-rooted convictions on the subject. Father Taunton excuses his accumulating vast power and wealth, and even his aspirations for the papacy, on the ground that he was thus acquiring means to further his work of reforming the church. But it is open to question whether the Cardinal's motives were as unworldly as the writer would like to believe. He points, for example, to the two foundations at Oxford and Ipswich as fruits of Wolsey's right use of riches. But even if he had been able to carry out his original intentions with regard to these institutions, they

would certainly not have atoned for his notorious pluralism, and, as a matter of fact, the funds derived from the suppression of the smaller monasteries and the contributions levied from various abbeys went a long way towards covering their cost. The discussion of the divorce, written from the point of view of Wolsey, is the most successful part of the whole work. While it is not altogether "clear that the Cardinal is the only one that came out of the proceedings with clean hands," the author does succeed in showing that Wolsey's attitude was uniformly consistent, and that he was faithful to the interests of his master throughout. Although not absolutely above censure in all his dealings, he certainly shone by comparison with the other persons involved in the suit. Surveying his whole career, it would seem that Wolsey's estimate of himself in the dying words ascribed to him is the justest after all. Wolsey, the English statesman, and Wolsey, the servant of Henry VIII., was greater than Wolsey, the churchman and reformer. In conclusion, it should be said that the study is based on a wide and accurate knowledge of the sources and literature of the subject. Moreover, the author's estimates of contemporary men and events, so far as they come within the scope of his work, are sound and just. He is particularly outspoken in his denunciation of the aims and condition of the papacy and papal curia of the period. As to externals, the work is a most attractive piece of workmanship; the illustrations particularly are well selected and finely executed.

ARTHUR LYON CROSS.

La Papauté et la Ligue Française. Pierre d'Épinac, Archevêque de Lyon (1573-1599). Par l'Abbé P. RICHARD, docteur ès lettres. (Paris: Alphonse Picard et Fils; Lyons: Librairie A. Cote. Pp. xxxvii, 672.)

THIS handsome volume embodies the researches of a patient and conscientious worker, who has spared neither time nor labor in acquainting himself with the sources of the history of the second half of the sixteenth century. He has not been desirous that his readers should take his assertions upon his simple word. The bibliography is admirable. More than thirty pages are given to a valuable list of authorities in which the aim is to note, so far as possible, the precise value of each book or document. The list is one that will prove serviceable to future students. As the manuscript originals are scattered in various parts of France and even abroad, the author is at the pains to indicate not only the collections of which they form a part, but in most instances the very volumes in which they are bound up. In Paris the National Library, in its different departments, and the State Archives, including the papers of which the Spanish Archives of Simancas were despoiled, have been thoroughly explored. In Rome the despatches of the papal nuncios contained in the Vatican Library, recently thrown open to the inspection of historical scholars, rank next in importance; while the municipal and other collections of Lyons have naturally proved of great worth. The marginal notes are full and precise in their indications.

The prominence of the part played by Pierre d'Épinac in France during the troublous times of the League justifies the ample treatment of his life by Abbé Richard. This prelate was one of the most active of the personages that figured in the civil wars in the reigns of the last two Henries. He was a priest by profession, but a man much more addicted to intrigue than devoted to religion of any kind. The spiritual interests of his diocese gave him little concern. He left the duty of visitation wholly to his suffragan bishop. Much as his biographer is disposed to look favorably upon his character and conduct, Abbé Richard candidly admits, or rather volunteers the observation, that Épinac was "no saint." The future Archbishop obtained a place in the chapter of the cathedral church of Lyons as an ancestral right. Once admitted he succeeded his uncle almost as a matter of course. The uncle had been Archbishop, and when he died the public was not surprised that the somewhat worldly-minded nephew should be promptly elevated to the archiepiscopal see. It would rather have been amazed at the presumption of any rival claimant of the place. It made no difference that to the office was attached the "Primacy of all the Gauls." Patrician blood, not spiritual worthiness, was the determining consideration in the choice. Nor was the choice altogether bad, if a capacity to rule was a prime qualification. Moreover, if not a profound reasoner, Épinac was an impressive and an eloquent speaker. At the first States of Blois in 1576, where he made his appearance as representative of the clergy, he played his part admirably well. From this time forward he was never out of the public eye, as the most conspicuous champion of the exclusive claims of the order to which he belonged. The papal legate, Cardinal Gaetano, freely accorded him the superiority over all the other French prelates. Subsequently he became a member of the royal council, and was brought into intimate relations with Henry III., but more and more he gravitated to the party of the Guises. On the Day of the Barricades he was the Duke's constant companion. When the latter was assassinated by the King's command, Épinac was arrested and would have been put to death, had he not solemnly pledged himself henceforth to abstain from intermeddling with political intrigues. How he kept his word we cannot pause to indicate here.

The standpoint of Abbé Richard is that of a decided Roman Catholic. His book is dedicated to Cardinal Coullié, the present Archbishop of Lyons and Vienne. It bears, under date of January 9, 1901, the *visé* of the dean of the faculty of letters of the University of Lyons, and the *imprimatur* of the rector of the académie and president of the council of the University. It is published therefore with the full approval of the ecclesiastical and the higher educational authorities of Lyons. The author's aim is strict impartiality. Épinac's faults are stated with candor, not less distinctly than his merits. I have said that Abbé Richard does not hesitate to tell us that the "Primate of all the Gauls" was "no saint." He will not even vouch for the general morality of Épinac's life. He does not disguise the fact that Épinac's bad repute on this score pre-

vented Pope Clement VIII. from conferring on him the much coveted cardinal's hat, the ambition of the prelate's life as that famous diplomatist Cardinal d'Ossat tells us in his despatches. The author draws a line, however, at the stories of Épinac's more shameless lewdness that were current throughout France. These he rejects with tolerable decision; albeit he gives in the *pièces justificatives* two documents on which the charge rests, the one emanating from an anonymous doctor of the Sorbonne to Sixtus V. and the other from a correspondent of Cardinal Montalto, both written about a month before the imprisonment at Blois.

HENRY W. BAIRD.

Maryland as a Proprietary Province. By NEWTON D. MERENESS. (New York: The Macmillan Co.; London: Macmillan and Co., Ltd. 1901. Pp. xx, 530.)

THIS is a substantial contribution to the literature of American colonial history. It is not, in the ordinary sense of the word, a history of Maryland, but rather a series of studies on the economic, social, religious and political constitution of the province. It is evidently founded upon a careful examination of manuscript as well as printed sources of information, to which the reader is directed through a formal bibliography and a systematic use of foot-notes. Occasionally, however, one is perplexed by unduly abbreviated citations. And examination of the foot-notes in connection with the text suggests the query whether this study of Maryland history is not a little too closely occupied—perhaps necessarily so—with Maryland sources. In spite of marked constitutional differences between Maryland and other colonies, the careful student of Maryland history will find numerous illustrations of the working there of tendencies equally apparent in the history of her sister colonies. The writer seems to fail somewhat in an appreciation of these general tendencies.

In the introductory chapter, the author reviews rapidly the chief influences by which, prior to 1776, the strongly monarchical character of the early proprietary constitution was gradually weakened. This is followed by Part I., with its general heading of "Territorial and Social Institutions." In the first three chapters of this part, the proprietor and the people of the province are considered in their relation of landlord and tenant. The chief point of interest here is the gradual advance of public control over the land administration. Chapter IV., on "The Industrial Development," deals, first, with the growth of the tobacco culture and trade and the various efforts made to secure their proper regulation; and, secondly, with the gradual development through immigration, the introduction of new industries, and improved means of communication, of a higher and more complex economic organization. The last chapter of Part I. describes very briefly the development of social classes, the history of slavery being summarized in a single paragraph. The efforts made to promote public education are shown to have been largely ineffective, though there did exist a small educated class largely made up

of lawyers. The political resultant of this social development was a situation in which "a large part of the educated class was arousing and directing the opposition of the ignorant commonalty against a small body of office holders and society leaders that were closely united by the ties of kinship."

Something over two-thirds of the book is given up to Part II., on "Government." The first chapter on "The Executive" is an account of the personnel as well as the constitution of this department. Legislative encroachments upon the executive were evidently far less serious here than in many of the royal governments. Notable illustrations of this fact are the failure of the assembly to carry out the policy of temporary salary grants and the final retention by the governor of the right to appoint provincial treasurers.

The next four chapters deal with "The Legislature," "The Administration of Justice," "Military Affairs," and "Finance." In them all, the interest centers in the conflict between the monarchical and popular principles. Particularly interesting aspects of this conflict are the controversies over the extension of English statutes to Maryland and the regulation of officers' fees. The attitude of the assembly toward the governor during the intercolonial wars shows that here as in other colonies a sound insistence upon important principles of civil liberty was often closely associated with much pettiness and narrow provincialism. In these chapters, the author has told his story well, in spite of some diffuseness on minor points.

The concluding chapters are respectively entitled: "Local Government"; "Religion, the Church and the Clergy," and "Relations with the Home Government." The history of the toleration policy which has been pretty thoroughly thrashed over by previous writers is very briefly treated here, but considerable attention is given to the subject of ecclesiastical discipline in the later Anglican establishment. Not much is said of the dissenters. The last chapter is taken up largely with a review of the revolutionary movement in Maryland, 1765-1776.

The index might be better, but the table of contents is good and unusually full. On the whole, the author is to be congratulated on a scholarly piece of work which meets a real want.

EVARTS B. GREENE.

La France au Milieu du XVII^e Siècle, d'après la Correspondance de Gui Patin. Extraits publiés avec une Notice Bibliographique par ARMAND BRETTE, et une Introduction par EDMÉ CHAMPION. (Paris: Armand Colin. 1901. Pp. xxxii, 384.)

THIS collection of letters includes the period of French history between the beginnings of the Fronde and the death of Mazarin. The author was a celebrated French physician. His grandfather, whose name he bore, was *avocat du roi* at Beauvais; his father also followed the profession of law, being admitted to the bar at Paris in the week before the

Barricades of 1588. The son, however, departed from the tradition of his fathers. As a practitioner Patin's success was unusual. Among his patients at one time was Thomas Hobbes, whose writings, it is interesting to notice, were familiar to him through a French translation (pp. 114-115). Patin was elected *doyen* of the University of Paris in 1650 and he has left most interesting accounts of the duties of the office and of the method of election, all the ceremonials of which were "*fort anciennes et religieusement observées*" (p. 241). Not anticipating that the honor would fall to him, he had written to his friend Falconet on the day before his election: "la charge est fort honorable, mais bien pénible." In 1654 he was elected a professor in the Collège de France and later was a lecturer in the Collège de Cambrai. Fortunately for Patin's intellectual tastes he was rich. His library comprised 9,000 volumes and it must have been a pleasant place from his description of it (pp. 102, 112).

Patin's political perception was as weak as his literary instincts were good. He writes in 1657: "He (Mazarin) and Cromwell and the general of the Jesuits are three excellent persons to represent the tyrannous condition of these wretched times" (p. 226). His intensest feelings were hatred of Mazarin and the Jesuits. He was an ardent Frondeur and yet patriotic, too, as his dislike for Spain and those who sought her aid during the Fronde shows. He never sympathized with Mazarin's Spanish policy (cf. pp. 189, 198, 290, 296). "I would rather be the poor master of arts that I am," he writes, "doomed to live on bread and water, provided that I might dwell in my study, than be Mazarin and the author of as much evil as is this miserable minister." He speaks of the Fronde as "*notre guerre Mazarine*" (p. 33). Yet he does not always write of it with prejudice. His letters abound with statements and allusions which are luminous of the state of the times—the sentiments which actuate Paris, expectations of foreign aid, the devastation in the provinces (pp. 8-9, 21-22, 28, 33, 35, 40, 82-83). It is characteristic of Patin's political prejudice, that while he sees the foibles and defects in Mazarin, he is incapable of seeing the larger features of his administration. This is true also of Richelieu. It is depressing to find him moaning over Cinq-Mars and de Thou, and writing: "Le cardinal de Richelieu n'en avait que cinquante-sept, et n'a vécu que trente ans plus qu'il n'était besoin pour le bien de la France, et même de toute l'Europe" (p. 209). His hatred of Mazarin amounted to a passion. One good result of this bitterness there was, however. His fierce partizan spirit, united with his literary instincts, made him take a keen interest in the pamphlet literature of the epoch; and the record he has preserved of these fugitive *pièces* must be valuable to the bibliographer, the student of literature and the historian (cf. pp. 26, 44-45, 56, 59, 93, 120-121, 139, 164, 171-172, 182, 298). It is needless to remark that higher forms of literature find abundant allusion in his letters: the book-shops upon the Pont-Neuf; the sale of private libraries; the formation of Mazarin's great library (the only thing which concerned the Cardinal of

which he was envious); press censorship; the Index; new books; notable translations; the appearance of editions so precious to-day as to be embalmed in Brunet and Graesse.

One gets vivid impressions in reading these letters. How different the middle years of the seventeenth century from those of the sixteenth! Patin records under November 23, 1653: "Le comte d'Alais, par ci-devant gouverneur de Provence, est ici mort le 13 de novembre. Il est le dernier de la race des Valois." And four years later he writes: "Voilà la race éteinte des Châtillons par cinq chefs depuis 1572, lors que l'amiral de Châtillon fut tué cruellement et proditoirement avec plusieurs autres le 24 août, fête de St.-Barthélemy." The Age of Louis XIV. is just beginning. Already the court life, with its pompous etiquette borrowed from Spain, has become "une superbe servitude toute pleine de calamités, de travail et de misères; la cour a fait le bonheur d'un petit nombre d'hommes alors qu'elle en a perdu un grand nombre" (p. 264).

The editor's preface, which is brief, is biographical and bibliographical. The last complete edition of Patin's letters was in 1846. M. Brette says it was imperfect (p. x). It is to be regretted, though, that he did not borrow a hint from that edition and add the wealth of historical and literary notes which that included. M. Champion's introduction, excellent as it is, hardly atones for the omission.

JAMES WESTFALL THOMPSON.

Types of Naval Officers drawn from the History of the British Navy; with some Account of the Conditions of Naval Warfare at the Beginning of the Eighteenth Century and of Subsequent Development during the Sail Period. By ALFRED T. MAHAN, LL.D., D.C.L. New Revised Edition. (Boston: Little, Brown and Co. 1901. Pp. xiv, 500.)

In so far as Captain Mahan's new book can be regarded as a whole, it may be described as an essay in naval pathology. Four of the six biographical studies which it contains were originally contributed apparently as isolated papers to the *Atlantic Monthly*, and have now been republished with modifications and additions. Traces of their origin still appear; but an introduction characterized by all the depth and breadth of thought which we expect from Captain Mahan has bound them into a homogeneous series of illustrations of the main theme there expounded.

It is of the diseases which a navy is liable to develop that the introduction treats—and above all of the disease of formalism, that kind of superstitious reverence for the means, which tends to bring the end into oblivion. In the naval art it leads directly to strategical blindness, to tactical rigidity, and to the habit of relying on rules, till all power of initiative is atrophied and is replaced in action by a dread of responsibility that is barely to be distinguished from cowardice. From a season of lusty health, fertile of new and vigorous ideas, which is usually taken to

have begun about the middle of the seventeenth century, the British navy had been gradually sinking about the beginning of the eighteenth into one of these periods of disease. The line of battle which had been designed to give to a fleet tactical flexibility had become a fetish that cramped it like a "straight jacket." For fear of breaking some rule, commanders could no longer bring themselves to seize the advantage of their opponents' mistakes; the unexpected by which most great battles and great campaigns have been won was no longer in their armory; they hardly dared risk a ship for any drastic movement; decisive action became impossible and naval warfare was at a deadlock. In a detailed and lucid study of the campaigns of Mathews in 1744 and of Byng in 1756, Captain Mahan, with all his old mastery, brings vividly before us the morbid condition which the naval art had reached at its lowest ebb. So grave had the condition of the patient become that we are left with little doubt that an heroic operation was necessary and that, severe remedy as it was, Byng's execution was justified.

In following the author's diagnosis, as he traces the development of the disease, we cannot but regret that his studies of the art of war under sail, for which the world owes him so much, have never been carried back to its commencement in the sixteenth century. He shows us clearly the gravest aspect of the disease—how the line of battle in its morbid state of osseous rigidity prevented concentration on a part of the enemy's force, without which a decisive victory is impossible, and how this state of things gradually gave way under the healing influences of the great admirals that preceded Nelson. But in all this we feel a sense of incompleteness when we remember that in the earliest days of sailing tactics the leading and even the sole idea was to concentrate an overwhelming weight of attack upon the weak point of the enemy. It was to this end that the first feeble germ of the line was begotten, as we see it in the action of the English admirals against the Great Armada in 1588 and in the early fighting instructions of Stuart times. This idea of ships following their squadron leaders in succession and concentrating their attack on the weathermost ship or ships of the enemy is clearly dominant as late as 1625, and we cannot but feel that the study of the reappearance of the concentrative idea is incomplete without some reference to its disappearance at a stage in the history of tactics that immediately preceded that of the true line of battle. The actual origin of the line of battle still remains in obscurity; but from scattered hints that survive it may have been devised as a defensive formation against the English method of attack—that is to say, its chief value in the eyes of its originators may have been that it provided a complete answer to the early English system of concentration on the weathermost ships of a "line-abreast" or a "squadronal" formation. If this was so, then the formalism which overcame the line of battle should perhaps be regarded not so much as a disease, but as the logical development of its inherent defensive idea, which was necessary and inevitable before a new step forward could be taken. At the same time the exaggerated sensitiveness which admirals of Mathews's

and Byng's type exhibited for preserving their lines would appear more excusable. It is of course possible that further research will show that this was not the actual path of development, but none the less it is a loss that an eye so clear and far-sighted as Captain Mahan's has been hitherto debarred from contemplating the whole field from this more distant point of view.

Having prepared the way by placing us in possession of the evil which had to be remedied, the author presents his six biographies as illustrations of the various kinds of medicines which are necessary to restore health to a body so diseased. Each officer dealt with is taken as the type of a quality that was lacking, and each is made to take his place in the great healing process which eventually gave Nelson his invincible weapon. Nelson himself, as the man who used the perfected organism and had but little to do with its growth, is omitted. Nor does Hood find a place, though it is clear that Captain Mahan considers that it was only lack of opportunity that prevented his occupying a niche beside Nelson's own. Hawke, who is taken as the type of the "spirit"—the determination to fight and crush—which had been starved away, is given a higher place than he has ever been honored with before by an authoritative writer and it must be said Captain Mahan fairly justifies his judgment. Rodney, who is usually regarded as the father of the later tactics, is given less credit than ever in that direction, but receives new rank as the type of "form," by which is meant the discipline and coherence, the self-respect and dignity of the service.

The remaining four biographies, which were those not originally written for the present work, fit less nicely into the scheme. There is a certain awkwardness in choosing Howe as the type of a tactician and Jervis as that of a disciplinarian and strategist. Their qualities overlap too much nor is there any obvious relation between discipline and strategy. Again, it seems forcing matters to take Pellew as the type of a partizan officer when Dundonald exists. Still this study and that of Saumarez have a peculiar interest as being less familiar and showing us the process of development from the inside as it were, and further as emphasizing the important influence of minor officers on the general advance.

It is perhaps also due to the fact that some of the biographies were written originally for a different purpose that we notice here and there lapses from the high level of style which the author maintained in his earlier work. There are descriptive passages where the color is too glaring for the dignity of history. The use of inversions has become excessive and results sometimes in obscurity. In some places expressions occur which as yet only pass current where composition is necessarily hurried. "Howe's arrival antedated the signature of the Declaration of Independence by less than a week," is a phrase hardly sanctioned by good authority, either in America or England, and the same must be said of the use of the word "illustrate" in the sense of to "make illustrious." But if in a work so excellent and full of thought we note these blemishes,

it is only because where a man sits so distinctly at the head of a branch of literature as does Captain Mahan, his disciples cannot endure to see him slip for a moment into a lower position than that in which they delight to honor him. In any case, it may be safely said that nothing so valuable has come from his pen since the publication of his first three volumes on the *Influence of Sea Power*, nor anything of more living and practical suggestion, both for those who have to provide and for those who have to handle a great navy.

JULIAN S. CORBETT.

William Pitt, Earl of Chatham, and the Growth and Division of the British Empire. 1708-1778. By WALFORD DAVIS GREEN, M.P. [The Heroes of the Nation Series.] (New York and London: G. P. Putnam's Sons. 1901. Pp. xiii, 391.)

THE author of a book intended to form one of a popular series is faced by the difficulty of steering between a too scholarly presentation of the subject on the one hand, and a too elementary recital on the other. Mr. Green cannot be said to have been always successful in avoiding either danger. The many incidental allusions, especially to the lesser personages in politics, and the enumeration of Cabinet changes demand a wide and fairly exhaustive knowledge of English history to make them intelligible; and a very considerable knowledge of European affairs is also taken for granted in treating of the continental wars and intrigues. On the other hand, the story of the conquest of India and of Canada has been so often told that it seems unnecessary to go into the detail given, especially as nothing of note is added. Undoubtedly the task undertaken by Mr. Green is stupendous, as the aim of the series is to present a picture of the national conditions surrounding the hero in his career, and the national conditions surrounding Pitt from 1735 to 1788 involve a history of the whole civilized world. It can therefore hardly be a matter of surprise that the story fails to leave a clear impress on the mind and lacks force and continuity.

Mr. Green has availed himself of the newer historical sources. The publication of the Historical Manuscripts Commission have been freely drawn upon, and Mr. Green has also consulted the Newcastle Papers among the Additional Manuscripts in the British Museum. He acknowledges his indebtedness to the late Professor Tyler for new light on the American Revolution, and German and French writers have not been ignored in regard to the Seven Years' War. The quotation of authorities in foot-notes is commendable, but some exception might be taken to the scantiness of the index.

The value of Mr. Green's book lies in his sympathetic study of the character of the Great Commoner, and in his presentation of the popular minister and great statesman as a member of a most undemocratic and corrupt House of Commons; without the arts of the politician and without any loyal body of followers in Parliament, dominating that body by the force of his intellect and of his enthusiasm, and supported and kept

in power by the people of the country at large, though these people had no way of making themselves felt in the actual election of their so-called representatives. Mr. Green makes Pitt the embodiment of the spirit of England in the eighteenth century, of the England that arose from its humble place among the old-world powers, and gained for itself a world-wide empire, held together by the unquestioned supremacy of the sea—the England that then divided, showing the true English spirit in the American colonies which were forced to a separation by the unwisdom and obstinacy of King and ministers, while the maker of the empire stood by helpless except to utter warnings which went unheeded and prophecies too soon to be fulfilled.

The European wars of the eighteenth century, on the part of all the contestants, are set forth as absolutely non-moral. There was no sufficient cause to justify either the War of the Austrian Succession, the Spanish War, or the Seven Years' War; and Pitt sought for no such cause, indeed appeared to feel the need of none. It was enough for him that through these wars England could establish her empire and be assured of her place among the nations. He was always ready to take the offensive, to strike the first blow, and found his justification in the success of his policy. Yet even with this moral limitation, the figure of Pitt stands out like a colossus among the petty politicians of his time, politicians whom in some cases Mr. Green has perhaps somewhat belittled to enhance the greatness of his hero. Take the comparison of Pitt with Henry Fox. "Pitt looked to the nation for support, and sought great policies to serve; Fox devoted himself to politicians and thought of a policy as a lawyer thinks of his cause." Of Grenville and Pitt Mr. Green writes, "the pedantic and pedestrian mind of the one contrasted with the rapid imagination of the other; . . . it was a combat between the mechanical forces of talent and the irresistible energy of genius." Again in giving the reasons for the disagreement between Pitt and the Whig party, Mr. Green writes: "Such an one was Pitt, a man whose words, theatrical as they seemed at times, always represented the deepest realities to himself; whose love of liberty meant that he would have gone with a glad spirit to the scaffold, whose patriotism was a burning passion. This depth and ardour separated him from the Whigs who were the coldest of politicians, who when they imagined the constitution in danger were satisfied, if some man of good family uttered a gentlemanlike protest in the Commons."

Pitt's success was great. Considering the forces that opposed him and the impossibility of transmuting popularity into Parliamentary support, it was marvelous that this genius, distrusted by the King, and regarded with jealousy and dislike by Parliament, should have been able to make himself during some of the most critical years in their history the head of the English people. That his success was not greater, that he was not able to retain the high office which he had held with so much honor, is fully explained by Mr. Green. The great drawback to Pitt's character was his inability to get on with men, an inability that arose partly

from haughtiness and an overweening opinion of his own power, partly from suspiciousness, "the trick of suspicion usually the characteristic of small minds," and from contempt for the pettiness so often shown by his fellow-politicians. Because of these characteristics he stood apart and aloof while events were preparing for the great tragedy of the empire—the separation of the American colonies, which he foresaw and of which he so passionately warned the nation. The portraits with which the book is illustrated are well reproduced and serve to give substance to some of the shadowy sketches of Pitt's contemporaries with which the book abounds.

A. G. PORRITT.

The Military Life of Field-Marshal George First Marquess Townshend, 1724–1807. By Lt. Colonel C. V. F. TOWNSHEND, C.B. (London: John Murray. 1901. Pp. vii, 340.)

THIS is a very wearisome and futile volume; that it is so will perhaps be sufficiently explained by saying that it is in effect a family vindication of an unimportant ancestor, prepared by the present heir to the noble house of Townshend at the request of his grandfather. But family vindications, though always suspicious, are sometimes of much interest and value; it is quite conceivable that the military history of Great Britain in the later eighteenth century might have been illustrated in a valuable manner from the standpoint of the unattractive career of the first Marquess Townshend. It is necessary to point out clearly that this has not happened, and that the present volume is not only a failure as a vindication but is practically useless for any other purpose. It is not clear why the military career of George Townshend should have been chosen as the field of this vindication, seeing that he played a greater part in the political world and that his political fame is even more in need of rescue. However that may be, the fact remains that practically nothing is here added to our knowledge that is of importance or even interest; the material afforded by the papers of George Townshend is apparently of little value and his biographer has had no conception of how to make his work of any general interest. The claim made in the Preface that "The part of the work which describes the expedition to Quebec will be found to give many military details which up to now have been wanting in all histories of that memorable epoch" is entirely unwarranted, no new fact whatever of any importance being added to the standard accounts. "It will be seen," he adds, "that the unexpected and surprising manner in which Quebec was taken was the plan of the Brigadiers and not of Wolfe"; the uninformed reader would hardly expect to find that the facts here brought forward have long been known, that they are known on the testimony of Wolfe himself (Letter to the Earl of Holderness, Sept. 9, 1759. Here reprinted in full), and that they are embodied in the chief narratives, such as those of Parkman and Kingsford.

It is of course not to be expected that amateur and gentlemanly work (or play) of this kind should be in accord with the prejudices of modern

historical criticism ; but the degree of departure from these canons that we find here is at times startling. The book is written apparently almost wholly from the papers of the hero, but we are not given any description of this material or any exact references to it, and might infer that the writer was wholly unaware that the archives of his own family had been described in the Appendix to the eleventh *Report of the Historical Manuscripts Commission* (Part IV., 1887. See "Letters and Papers relating to the Siege of Quebec," pp. 306-328). He complains that he has been unable to find Wolfe's general orders, though he had seen them earlier in the collection and in fact they are catalogued in the *Report of the Historical Manuscripts Commission*. That he is apparently wholly unaware that these orders are printed entire in the *Collections* of the Literary and Historical Society of Quebec (Fourth Series, No. 2, 1875) would justify us in concluding that he is ignorant of, or has not consulted, this most important body of material for the event to which he gives half of his volume and in regard to which he imagines he is contributing to history. He indeed asserts, "I write this account of the expedition to Quebec entirely from the Marquess' Journal"; this Journal is used in the most confusing manner, under the date-headings of the original but for the most part in the biographer's own language. Letters are inserted without dates or references ; the usual liberties in the way of modernizing are taken with quotations, in regard to which we are lucky if we get any more explicit information than "from a French account." The narrative is disjointed, and we have the impression that the author takes almost as little interest in his work as he leaves with his reader.

The subject of this volume, "Field-Marshal George First Marquess Townshend," was born in 1724. Family interest gave him, the heir to the title (which in 1787 he was to advance from Viscount to Marquess), an easy access to military posts, and he served at an early age in the later years of the War of the Austrian Succession ; even the family biographer is unable to recount any exploits and the hero's name indeed rarely occurs in the hundred pages that are devoted to these campaigns in Germany and the Netherlands. We are given much detail of the battles of Dettingen, Fontenoy, Culloden and Laffeldt, which may have interest for the military historian ; the general student will reflect regretfully on the ways in which these campaigns might have been made to illustrate at least the military manners of the time. On the coming of peace Townshend entered the House of Commons, and in 1757 acquired some prominence as the reputed author of a Militia Bill ; he seems also to have acquired special note—and, we should judge, also unpopularity—by his skill in caricature, which Walpole tells us (*Memoirs of the Reign of Geo. III.*, I. 18) he was the first to apply to politics. In 1759 he was appointed one of Wolfe's three brigadier-generals for the expedition to Quebec. This was against Wolfe's wish, who seems to have personally disliked him, and who was probably conscious that Townshend represented the professional and class jealousies that were assailing him. Through the death of Wolfe and the severe wound of Monckton, Townshend was

put in command of the force investing Quebec after the victory on the Heights of Abraham and received the surrender of the town. He was later thanked by the House of Commons for these services. His only other important appearance in his long remaining life (he died in 1807) was his term as Lord Lieutenant of Ireland 1767-1772; this lies outside of the range of this volume, and the author leaves it with the assertion that "he displayed the same genius as an administrator that he had shown as a general" (322)—an assertion that may be compared with Walpole's severe censures (III. 79; IV. 231), and with Lecky's statement that he was "entirely destitute of tact and judgment" (IV. 434).

The expedition to Quebec was the most notable incident in Townshend's military life, and to it his biographer devotes one-half of his volume. It is here also that the book aims at vindication. For the prominence into which fate had thrust Wolfe's lieutenant was unfortunate for him; in the words of Lecky (IV. 402), his conduct at this time "had not raised his fame, for he was accused of having persistently thwarted Wolfe during his lifetime and of having endeavoured after his death to rob him by a very invidious silence of the honor of the capture of Quebec." The matter is now of small moment, and the present effort in Townshend's defense might be left simply with the remark that it is very ineffective, but for the fact that like the original effort it is made at Wolfe's expense. Throughout the narrative there is steady disparagement of Wolfe; his whole plan of operations before Quebec is attacked, his early failures are emphasized; not only is he denied all credit for the final plan, but an effort is made to show that victory was not secure at his death and was made so only by the merits of Townshend. And all this purely on Townshend's assertions.

The main point insisted on by our author is that the plan by which Quebec was taken was not Wolfe's, but that of the brigadiers. I have pointed out above that in a general way this is correct, and so reported by Wolfe himself; if there were space I should like to show that Wolfe was in all probability too careless of his own reputation, that he had earlier fully considered this general change of plan, *i. e.*, transferring the attack above the town, and that he had concluded the enterprise to be then too hazardous. The difficulties and great risks of attack above are clearly pointed out by him in a letter of September 2 (*Gentleman's Magazine*, October, 1759); that he did not exaggerate these, that he was perfectly right in considering an attack from this side almost impracticable and not to be attempted till all expedients below the town had been exhausted, will be clear to any one who reads carefully the narrative of the final movement, and perceives how much its success was owing to a number of fortunate accidents, skilfully or luckily turned to account, and to the mistakes and want of unison of the French. All that could be claimed for the brigadiers was their general suggestion; the exact form and the execution of the attack is entirely Wolfe's. Our author is not content to have Townshend share in the general credit of the brigadiers, but would have us believe that the plan originated with Townshend.

For this idea he produces absolutely no evidence, simply repeating three times an unsupported statement to this effect by Warburton in his *Conquest of Canada*; how much more likely it is that Townshend (as was charged at the time) had really opposed the enterprise is shown by the most unheroic letter which he writes to his wife while the preparations for it were going on (p. 210). The vindicator of the military reputation of George Townshend could hardly have done him a worse turn than the printing of this letter side by side with that nobly despondent one written by Wolfe four days before his death.

VICTOR COFFIN.

Mirabeau et la Provence. Première partie, du 14 Mai 1770 au 5 Mai 1789. Par GEORGES GUIBAL. Deuxième édition. (Paris: Albert Fontemoing. 1901. Pp. x, 430.)

IN this second edition of the first volume on *Mirabeau et la Provence* published in 1887, Professor Guibal has really produced a new work. The size of the page, with the addition of one hundred and twenty pages, increases the contents of the volume more than a third. Although more or less important changes in the text are met with throughout the work, the difference between the first and second edition is chiefly due to the much fuller treatment in the second of the life of Mirabeau previous to 1789. To this subject, the first edition devoted one hundred and three pages; the second devotes two hundred and thirty-two. The arrangement of the volume also has been somewhat changed.

From the point of view of historical method, the volume leaves little to be desired. The sources have been practically exhausted; the facts have been carefully established and the evidence exactly given for every statement; the facts have been combined into a clear and detailed whole, and presented in an unusually objective and impartial narrative. Here is a bit of work finally done; work that may safely be used in the construction of a life of Mirabeau.

For the periods of Mirabeau's life of which it treats, Professor Guibal's book will be more helpful to the investigator than the works of Loménie and Stern. Stern did not make use of the manuscript sources to be found in Provence, while Loménie is lacking in the exact citation of evidence. This defect in Loménie's method lessens the usefulness of his otherwise very valuable work.

The value of Professor Guibal's volume is due not a little to the time and place of writing. Never again will conditions so favorable to the study of Mirabeau and Provence exist as those that prevailed at Aix during the half century that has just closed. Here was the theater of many of the most dramatic scenes in Mirabeau's life; not far away, on the bank of the Durance, is the old family château, inhabited at times by the Montigny, descendants of Mirabeau's adopted son; Manosque, Grasse, Marseille, and the Château d'If are all within the boundaries of Provence. What more natural than that a Mirabeau cult, creating conditions favorable to historical research, should spring up at Aix? His statue stands

in the inner court of the Hôtel de Ville ; the beautiful promenade of the city bears his name ; episodes in his life have been made the theme for papers read before the Academy of Aix, and his notorious lawsuit with his wife has been more than once the subject of an opening address before the association of local advocates.

Two men profited by these conditions, devoting long years to the study of Mirabeau's life in Provence. One of these men was Alexandre Mouttet, *juge de paix* at Aix, who died last summer at the age of eighty-seven ; the other, Professor Guibal. Something of what Professor Guibal owed to Judge Mouttet may be learned from his foot-notes, but not all. Much that the latter knew about Mirabeau he had never committed to paper and this information could be had for the asking. He left behind him a volume in manuscript that will probably never be printed. The results of his work will be preserved, for the most part, only in the writings of other investigators.

Writing under these favorable conditions, Professor Guibal has produced a work that is destined to live and to be read as long as men are interested in the life of Mirabeau. Much of the material that was employed in the work is the private property of citizens of Provence. Some of it has already gone astray and more will probably suffer the same fate in the next generation unless purchased by the state. In the future, it is not improbable that historians may be forced to cite portions of this book as primary authority in place of the sources that have disappeared. This havoc that time plays with the records of the past has given more than one historian a permanent place among the great men in the world's hall of fame.

FRED MORROW FLING.

Le Clergé de France pendant la Révolution (1789-1799). Par EDMOND BIRÉ. (Lyons : Emmanuel Vitte. 1901. Pp. 369.)

THIS book is a distinct disappointment. The title naturally leads one to expect an honest attempt to narrate the history of the clergy in France during the Revolution. It is, however, nothing but a collection of book-reviews of local histories and biographies dealing with the church and the clergy of the Revolution. Perhaps the book might better have been entitled "Notes on the Martyrology of the French Revolution." Though possessing but slight intrinsic value, this volume has its importance in the historiography of the Revolution, for it calls attention to a group of writers who are rendering a great service to the study of this important period, and who have received little attention in France and none in America. The Third Republic has witnessed a great revival of interest in the study of the Revolution, and above all of its developments in the provinces. The republican has studied the events of interest in his own town or department during the Revolution and especially during the Reign of Terror. Some of the authors have written in a spirit of fairness and impartiality, trusting that the facts themselves will prove the best arguments in favor of the republican cause, while others have spoken

as zealous advocates of the Revolutionary and republican ideals of liberty, equality and fraternity, and of the acts done in their name.

In republican France, however, there is, as a good republican remarked concerning the Associations Bill, liberty, equality and fraternity for everybody except the priests and for everything except the church. The persecuted Catholic church of France has never wanted for advocates as able and as zealous as the republican writers, and, what is more, the church historians have had centuries of experience in writing the story of periods of persecution and the lives of the martyrs. The latest period to become a field for these martyrological writers is the French Revolution, and while the republican historian has studied approvingly the deputies on mission and the members of the Great Committee of Public Safety, the Catholic historian has praised the unswerving loyalty of the non-juring priests and of the devout women who dared attend mass in some sacred place at the height of the Terror, at the risk of expiating their daring in the prisons or at the guillotine. Especially during the past decade have the ecclesiastical historians been busy turning out volume after volume dealing with the church and its persecution during the Revolution. Some of them like Abbé Delarc's *Église de Paris pendant la Révolution Française* are the valuable result of prolonged and scholarly researches, while others like Abbé Odon's *Carmélites de Compiègne Mortes pour la Foi sur l'Échafaud Révolutionnaire* are but simple narratives of martyrdom.

A dozen or more of these books have passed through the hands of M. Biré, and he has read them, making notes here and there and excerpts somewhere else with the apparent idea of collecting for his own edification the details that would most glorify the church and her martyrs and discredit the persecuting revolutionist. The publication of this notebook on the crimes of the First Republic seems to have been suggested to M. Biré by the latest crime of the Third Republic, the passage of the Associations Bill. The only scientific history in the book is in the bits copied from such excellent works as those of Abbé Delarc and of M. Lallié who has written so ably upon the Revolution at Nantes. Of declamation concerning the glories of the church and the crimes of republicanism there is at least a sufficiency. The single merit of M. Biré's brochure is that it directs attention to the recent valuable contributions to the local history of the Revolution made by Catholic scholars. The author curiously enough has not mentioned one of the most scholarly and complete works of this sort—the *Histoire Religieuse du Département de l'Hérault pendant la Révolution*, by Canon Saurel of the Cathedral of Montpellier (4 vols., 1894–1896). Of recent writers favorable to the Revolution, M. Biré mentions no one except M. Aulard, and in his seventy pages based upon Abbé Delarc's *Église de Paris* there is not a single reference to *Le Mouvement Religieux à Paris pendant la Révolution (1789–1801)* of which the first volume had preceded Abbé Delarc's and had been published in the *Collection de Documents Relatifs à l'Histoire de Paris pendant la Révolution Française, Publiée sous le*

Patronage du Conseil Municipal. This book deserved at least a mention because of the eminence of its author, the late Dr. Robinet, the biographer of Danton. One last word—M. Biré's judgment on his own book, may be added. He says rightly on page 72: "Il n'est pas de bon livre d'histoire sans *Index*." He has left this book without an index.

GEORGE M. DUTCHER.

Histoire Politique de la Révolution Française: Origines et Développement de la Démocratie et de la République Par A. AULARD.
(Paris: Armand Colin. 1901. Pp. xii, 805.)

M. AULARD'S book has a special claim upon attention because of his unique position among students of the great Revolution. For over fifteen years he has held a professorship with this as its theme in the faculty of letters of the University of Paris. He is the directing spirit of a society devoted to the study of the Revolution and the editor of the society's review. Since 1886 he has also edited several collections of documents, over twenty-five volumes in all.

His work is distinguished from that of most of his predecessors by a more scientific criticism of the sources. For example, he looks with suspicion upon the evidence contained in memoirs, because most of these were written during the Napoleonic period or the Restoration, when the memories of the writers must have become confused, and when they were, in part at least, preoccupied by the task of rehabilitating themselves in the eyes of posterity. The substance of his narrative is based upon strictly contemporaneous documents—debates, speeches, newspaper articles, proceedings, laws, many of which were acts rather than descriptions of acts. The inexhaustible patience with which he has investigated all this material has enabled him to trace the evolution of opinion and the aims which gave the impulse to the Revolutionary movements. The testimony of memoirs adds detail and color to facts, the main features of which have been otherwise determined.

The scope of the work is clearly stated in the title, limited as this is by the subtitle. The subtitle is a reminiscence of the articles that appeared in the *Révolution Française*, beginning in July, 1898, and which reappear with some changes and additions as chapters of the present work. For the period from August 10, 1792, to 1804, the scope of the work is broader and includes with the original theme a description of every important phase of the political life of France. But during the periods of the Constituent and the Legislative Assemblies the first plan seems to narrow the treatment. With the publication of this book it has become, for the first time, possible to read in brief and exact descriptions how the great Revolutionary mechanism was organized from the Convention and the Committee of Public Safety down to the local committees in the Paris sections or in distant communes, and how this mechanism was modified as circumstances commanded until during the Thermidorian reaction, the period of the Directory and of the Consulate, it gradually crumbled, again yielding to circumstances, and gave way to a military despotism.

The plan of the work—a study of the republic and democracy—seems to put the men of 1789, so generally praised in contrast to the men of 1793, in a curiously disadvantageous position. They appear not so much as reformers who extricated France from an intolerable situation as men who were unfaithful to the very Declaration of Rights which they issued. In a history of the republic they are the enemy who are more in mind than the old nobility, and who must be driven from control before a normal state of affairs can be brought about. The Montagnards, are, therefore, justified in advance. This result is not solely the consequence of the plan. Although the author says that all, the men of 1789 and the men of 1793, worked for the best under different circumstances, nevertheless he declares that if the epithet “renegade to the principles of 1789” is to be used, it belongs not to the men of 1793 who actually applied those principles, but to the men of 1789, “who, after proclaiming equality of rights, divided the nation into active and passive citizens and for the ancient privileged orders substituted a new privileged class, the *bourgeoisie*.”

Professor Aulard is not inclined to look upon the affirmation of the equality of men in the Declaration of Rights as a “glittering generality,” a noble dream; he treats it as a programme of reform to the furthest logical consequences of which its framers were pledged. He goes so far as to insist that this affirmation implied what is now known as social democracy, although he does not think such an implication occurred at the time to any leading revolutionist.

Occasionally Professor Aulard seems inclined to take less charitable views of the men of the “régime censitaire” than his documents would permit him. For example, he says (p. 63) that during the discussion of the property qualification for voters: “Une émeute parisienne (meurtre du boulanger François) fournit fort à propos des arguments à la bourgeoisie contre le peuple: le 21 octobre, la loi martiale fut votée au profit de l'ordre bourgeois qui s'annonçait.” Although the Constituant had such a measure under consideration, it was the frantic appeals of the “Representatives of the Commune,” in despair otherwise of preserving order so necessary if the great city was to be fed day by day, that led the Constituant to pass the law in haste. The motives indicated in this book do not appear to have actuated the Paris assembly. Even Loustallot, ardent revolutionist that he was, groaned out that the law was necessary. Professor Aulard's judgment in this case and in two or three others where the Constituant is concerned is surprising because between the parties that controlled France after the establishment of the republic he holds the balance with remarkable steadiness.

A single comment upon his treatment of the men commonly called the “Terrorists.” He does not draw a veil over their tyrannies, but he seems to feel that these were adopted, with substantially unmixed motives, as a means of national defense when France was like a besieged city and when summary proceedings were the sole and necessary law. It was, however, partly out of early tyrannies and injustices that the

necessity of later tyrannies arose. No foreigner at least will believe that such measures were needed to keep so great a multitude of Frenchmen as were swept into the drag-net of the Law of Suspects from betraying their country to the allies who were anxious to operate another partition of Poland with France as the spoil. Moreover, the "Terrorists" in a not unnatural way identified themselves with France, and their political enemies became traitors to France.

Although the greatest merit of this work lies in its bringing together an astonishing amount of information from trustworthy sources and describing the hitherto little known and imperfectly understood workings of the republican régime, it also contains descriptions of singular interest, appreciations of historic personages, of Danton, of Mme. Roland, of Robespierre—portraits drawn with a firm and skilful hand, which interpret their mental and moral evolution. In the course of the volume Professor Aulard destroys various old and honored legends—that for example which pictures Thermidorianism as in any sense a reaction against the republic, another that exonerates the so-called "working members" of the Committee of Public Safety and particularly Carnot from responsibility for the wholesale proscriptions of the Terror, and still another that makes republicanism an early development of the Revolutionary movement. Americans will be pleased to find the measure of the influence exerted by the young republics of the Confederation, later by the new United States, more exactly explained, with adequate documentary references, than in any previous work.

HENRY E. BOURNE.

Boundaries of the United States and of the Several States and Territories. By HENRY GANNETT. Second edition. (Washington : Government Printing Office. 1900. Pp. 142.)

IN 1885 Mr. Gannett issued, as one of the early bulletins of the United States Geological Survey, a sketch of the *Boundaries of the United States and of the Several States and Territories*. The compilation, though inaccurate in some details, was nevertheless a useful one. There was apparently considerable demand for it, since it has been for some time out of print. More recently Mr. Gannett has issued a second edition as number 171 of the same series of bulletins. The principal feature of the reissue is the addition of historical diagrams, representing the successive stages through which the several states and territories have passed. Mr. Gannett first printed these diagrams in 1896 to illustrate an article in the *Journal of the American Geographical Society* entitled "A Graphic History of the United States." They contain a number of errors, most of which have been repeated in a series of maps, illustrating a monograph on "The Territorial Expansion of the United States," published in the *Monthly Summary of Commerce and Finance* for September last and also issued separately. As these errors are likely still further to mislead, in view both of the high authority popularly attached to government publications and of the fact that they usually escape formal criticism, it seems worth while to call attention to them.

The Indiana diagram erroneously represents a broad strip of land running the entire length of the eastern boundary of the present state, as added to the territory in 1803. No such parcel ever existed. The first division of the Northwest territory, as a result of which Indiana territory was formed, was made by a line, which followed the Greenville line from the mouth of the Kentucky River to Fort Recovery, and from that point extended due north to the international boundary. The addition to Indiana territory made under the Ohio act, which was passed in 1802 instead of 1803, was a triangle, formed by the intersection of the western boundary of Ohio with the Greenville line, and resting upon the Ohio River as its base. This triangle may be easily traced upon any land office map, by noticing that the Congressional townships in this tract do not match those in the remainder of the state.

Mr. Gannett has mistaken the extent of the original territory of Michigan. Its western boundary was a line drawn through the middle of Lake Michigan from its southern to its northern extremity and thence north to the international boundary. Michigan territory in its original form thus consisted of the lower peninsula and a small tract north of the Lakes and east of the meridian of the Straits of Mackinac. This latter tract is usually, if not invariably, omitted in the contemporary maps. Mr. Gannett has erroneously extended the northern peninsula westward to the meridian of the present western boundary of the state of Indiana. By so doing, he has given Michigan territory a form which it never assumed and has included in it a tract which, after the organization of Illinois territory in 1809, should have been represented as a detached part of the territory of Indiana.

The contemporary maps of Kansas territory follow the provisions of the Kansas Territorial Act in running the southern boundary west on the 37th parallel as far as the territory of New Mexico and thence north and west on that boundary to the Rocky Mountains. Mr. Gannett has followed some recent maps in carrying the southern boundary west on the parallel only as far as the 100th meridian, thence north to the Arkansas River and west on that river to its source. This line is based upon an erroneous impression that the tract south of the Arkansas was excluded from Kansas territory by reason of the non-extinction of the Indian title. The Territorial Act provided: "That nothing in this act contained shall be construed . . . to include any territory, which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory." There were guarantees against such inclusion in some treaties creating reservations for emigrant tribes, but there were no such guarantees in any treaties with the native tribes occupying western Kansas. Moreover, except in the unratified treaty of Fort Laramie, the Arkansas River had not been recognized as an Indian boundary and, even if it had been, there is as much reason for excluding from Kansas territory the country of the Arapahos and Cheyennes north of the river as for excluding that claimed by the Comanches and Kiowas south of it, since the

title of neither had been extinguished. It follows, therefore, that Mr. Gannett's representation of Kansas territory is incorrect and that the tract marked as an addition to the state in 1861 was not an addition but a part of the original territory.

Mr. Gannett's most serious difficulties occur in connection with Dakota and the adjoining territories. Here his errors of omission in the text become errors of commission in the diagrams. He has overlooked the last section of the first Dakota Act, by which Nebraska territory was extended westward to the 110th meridian and has thus omitted one of the forms which that territory assumed. He has also overlooked the last section of the Montana Act, by which a tract of land, roughly corresponding to the present state of Wyoming, was transferred from Idaho to Dakota, and has thus omitted to represent the former territory in its second and the latter in its third stage of development. By this transfer Dakota territory acquired, except for a slight change in the Nebraska boundary, the area of the present states of North and South Dakota and Wyoming, lacking a strip on the west bounded by the 110th and 111th meridians, the 41st parallel and the crest of the Rocky Mountains, while Idaho territory was reduced to the limits of the present state plus as much of the strip just defined as lay between the 42d parallel and the mountains.

By overlooking this transfer to Dakota territory, Mr. Gannett has also missed the point of an interesting complication that arose in the adjustment of the boundary between the territories of Idaho and Montana. The maps of this period represent the Rocky Mountains as cutting the 111th meridian below the parallel of $44^{\circ} 30'$ and as crossing this parallel at some distance west of the meridian, thus enclosing a tongue of land between the mountains, the parallel on the north and the meridian on the east, which by the terms of the transfer and upon contemporary maps formed a part of Dakota territory. The mountains in their true location cut the meridian at or a little above this parallel and so do not form the supposed tract. It follows that the definition of the boundary of the transfer from Idaho territory to Dakota territory, contained in the Montana Act, is impossible of application at this point and that the supposed tract, not having any existence, disappears from the modern map representing the boundaries of this period. When Wyoming territory was created in 1868, with the 111th meridian as its western boundary, this supposed tract, west of the meridian, was forgotten, but afterwards, in 1873, Congress passed a special act attaching "that portion of Dakota territory, west of the 111th meridian, which remains detached and distant from Dakota proper some two hundred miles" to the adjoining territory of Montana. As no such tract existed, this act could have no effect. Mr. Gannett says that the tract did not exist but fails to see why it did not exist and why it was supposed to exist.

Two other mistakes may be mentioned in closing. In representing the second stage of the territory of Arkansas, Mr. Gannett has drawn the western boundary much too far toward the west. It should begin but

forty miles west of the southwest corner of Missouri. Mr. Gannett represents Iowa as admitted in 1845, with the meridian of $17^{\circ} 30'$ west from Washington as its western and a parallel passing through the mouth of the Mankato River as its northern boundary. The act of 1845 was conditioned upon its acceptance by the people of the territory and, as this was refused, it never took effect. The state was not admitted until 1846, when it entered the Union with its present boundaries. Attention has been chiefly directed to the diagrams, since they appeal to the eye and on that account are likely to make the stronger impression. Except for the errors noted, the text is in the main accurate.

FRANK HEYWOOD HODDER.

The True Thomas Jefferson. By WILLIAM ELLEROY CURTIS.
(Philadelphia: J. B. Lippincott Co. 1901. Pp. 395.)

THE present volume, being the fourth in the Lippincott series of the "true" lives of famous Americans, is the most ambitious yet published, exceeding by almost one-third the bulk of any of the earlier volumes. Were Mr. Curtis not already well known, it would be easy to conclude from a very cursory examination of his book that he is not a literary man, for his work partakes far more of the scrap-book quality than of the biography, being put together, rather than written, without the slightest apparent sequence, the result bearing a closer resemblance to a crazy-work quilt than to any piece of intentional weaving. Equally evident is it that the author has no general knowledge of history to qualify him for such work, for the book teems with errors and misstatements, some of them being of the most extraordinary nature. What can be said, for instance, of assertions such as that "William and Mary is the oldest college in America, although Harvard graduated the first class" (p. 65), when the veriest tyro should know that Harvard had fifty years start of its southern prototype; that Jefferson was "not in favour of emancipation unless the slaves could be *extirpated*" (p. 83), which is Mr. Curtis's version of Jefferson's wish to see the negroes freed and *colonized*; that Jefferson's slaves concealed "their master's plate when the British visited Monticello in 1814" (p. 95); that "Governor Fauquier introduced French novels, classical music, card playing, and many new vices into the colony" (p. 69); that the election of Adams to the presidency was due directly to the influence of Washington (pp. 273-275); or that the classical names invented by Jefferson, in the ordinance of 1784, for the northwestern states were "for the states to be carved out of the Louisiana territory" (p. 184)? Such perversions are bad enough, but Mr. Curtis again and again, with apparent deliberation, exactly reverses records so clear that it seems impossible he can have read the very documents from which he quotes. Thus, in the case of the criminal law of Virginia in the revision of 1779, the only means by which we have knowledge of Jefferson's share is an apology he drew up concerning the principle of *lex talionis* which it embodied, yet from this apology Mr. Curtis is led to state that the principle of the *lex talionis* was abandoned

by the revisers at Jefferson's "importunities, and no sheriff has ever since been compelled to pry out an eye or bite off a nose." At one place (p. 83) the author would have us believe that Jefferson inserted in the Declaration of Independence a clause favoring freedom to the slaves, which at another place (p. 135) becomes "a paragraph denouncing slavery," the reference in each case being, of course, to the paragraph in opposition to the slave trade. So in explanation of the Jefferson letter to Mazzei, written in 1796, it is stated that Mazzei was at that time "in Europe attempting to negotiate a loan for the United States with a petty prince of Hungary." Such are a few of many examples of the author's ignorance of general history; and as a result the whole book is written on the slap-dash, hearsay order, save where the scissors and the glue pot made writing unnecessary.

At the same time, it would be unfair to Mr. Curtis, full as his book is of ignorance and error, not to acknowledge that he has made an interesting volume, and one that can be read with very distinct pleasure. There can be no question that the author has industriously and honestly toiled, and he has brought together a great mass of material out of which a most delightful volume might have been written, and this but makes the regret the keener that Mr. Curtis had not the mental equipment and education to use it properly.

PAUL LEICESTER FORD.

Writings of James Madison, comprising his Public Papers and his Private Correspondence, including numerous Letters and Documents now for the first time printed. Edited by GAILLARD HUNT. Vol. I., 1769-1783; Vol. II., 1783-1787. (New York and London: G. P. Putnam's Sons. 1900, 1901. Pp. xl, 484; xvii, 412.)

IN 1837 the Federal government bought of Mrs. Madison a set of manuscripts, in duplicate, comprising "the Debates of the Convention which framed the Constitution of the United States, prepared by Mr. Madison, together with the Debates taken by him in the Congress of the Confederation in 1782, 1783, and 1787, and selections made by him, and prepared under his eye, from his letters, narrating the proceedings of that body during the periods of his service in it." These were printed in 1840 as the *Papers of James Madison*, edited by Henry D. Gilpin. In 1848 the government purchased from Mrs. Madison most of the remaining manuscripts of her husband. Four volumes, made up chiefly from the additional manuscripts thus purchased, were printed in 1865 under the title *Letters and other Writings of James Madison*. The two printed collections supplement each other, and students interested in Madison's career have always been obliged, with considerable inconvenience, to turn perpetually from one to the other. Accordingly, we must all be deeply grateful to Mr. Hunt for undertaking the publication of a series in which Madison's letters and writings are combined in a single chronological order. The volumes are handsomely made, in style uni-

form with the similar collections of "Writings of the Fathers" brought out by the same firm of publishers.

The two volumes now published comprise somewhat more than two hundred and fifty letters (or parts of letters), seventeen documents, and the record of debates in the Congress of the Confederation from November 4, 1782, to June 21, 1783. For the period last mentioned, the debates are made the main text, while the letters or parts of letters that illustrate or supplement them are placed in foot-notes below. This is on the whole the rational arrangement, the continuous record being the important thing. Presumably the same course will be followed in the case of Madison's invaluable notes of the debates in the Convention of 1787, which we understand will fill Volumes III. and IV. What will be done with the debates in Congress from February 19 to April 25, 1787, does not appear; they are not printed in the second volume before us, though it extends to the latter date.

The present volumes contain exceedingly little that is new. That it should be so is almost inevitable. The title, it will be observed, mentions "numerous letters and documents now for the first time printed"; and the preface alludes to "sources widely scattered and embracing various public, private and official depositories." But these phrases wait their justification in later volumes. Of 262 letters printed in these two volumes, 126 have already appeared in Gilpin, 106 in the *Letters and other Writings*, one in Bancroft's *Constitution*, and perhaps one or two others elsewhere. The new letters are nearly all quite insignificant notes to Pendleton or Randolph, or to Madison's father and brother, not more important than the forty letters which, on the other hand, are printed in Gilpin or the *Writings* but are omitted from the present series. Two letters to Henry Lee (II. 284, 286) are exceptions, well worth printing as indicative of character; so is another, to Jefferson (II. 246), relating chiefly to points of natural history. As to source, only two letters seem to have been found outside the walls of the Department of State, of which the editor is an official. The texts of about three-fifths are derived from the Madison MSS., of a few from the Washington MSS., of a few more from the printed *Writings*, and of about eighty from Gilpin.

As to this last point, Mr. Hunt, who is evidently scrupulous as to textual exactness, shows himself abundantly aware that texts should be derived from the original manuscript, and not from anyone's print; but he has been hampered by circumstances so extraordinary as to be quite worth mentioning. It may not be generally known, though it is quite in the line of the government's usual experience in buying manuscripts, that, in spite of the act of Congress mentioned in the first sentence above and of Mrs. Madison's conveyance, none of the letters printed by Gilpin, excepting the block from November 5, 1782, to the end of 1783, are possessed by the State Department either in original or in duplicate. Moreover, the actual originals of nearly all these missing letters were offered at auction, in the face of a long-suffering government, in the Mc-

Guire sale of 1892. They were bought by a certain historical society, which, it may be understood, has refused Mr. Hunt permission to collate his texts with the originals. Mr. Hunt alludes to none of these facts. But anyone who has compared the State Department's *Calendar of the Correspondence of James Madison* with Gilpin, with the catalogue of the McGuire sale, and with this society's report of 1894, will understand his mild and colorless remark (p. xxxv) that "The originals of a few [*sic*] of the letters printed in *The Madison Papers* have been withheld from the editor, and he has been obliged to reproduce them as they were printed, in the first volume of" [that] "edition, indicating their source as he has that of every other paper appearing in these volumes." About eighty are, as we have intimated, so designated.

Among the documents printed (meaning documents other than letters) are several new pieces, of great interest, chiefly fruits of Madison's active service as a member of Congress. It is gratifying to see (II. 391) that the large portions of his introduction to the debates of 1787 which were lost when the Department of State published its edition a few years ago, have since been recovered. The whole is now given. It is not easy to see why the Declaration of Rights and Constitution of Virginia have been included (I. 35-49); only six words of the former have ever been traced to Madison, and not one of the latter.

Mr. Hunt's texts appear to be good. "Moran Treaty at Fort Stanwix" (II. 76) should no doubt be "Indian Treaty"; "Carter Bratton" (II. 194) should be "Carter Braxton"; and the place of publication of Ubbo Emmius (II. 265) might easily have been corrected from "Sugd. Batavorum" to "Lugd. Batavorum." There is some want of scholarship in the foot-notes to Madison's Notes on Ancient and Modern Confederacies (II. 369-390). But in spite of a few small blemishes, Mr. Hunt has given us a good edition, with good notes, which on many grounds besides convenience is entitled to supplant its two mutually complementary predecessors. The first volume contains as a frontispiece a very interesting portrait, copied from the life-sized marble medallion bust by Ceracchi (1792) now owned by the Department of State.

The main contents of the volumes having been so long before the public, it has seemed to the reviewer inappropriate to dwell upon their character as materials for the biography of Madison or for the history of the United States. But he cannot forbear mentioning a curious little discovery he made while mousing among the letters of Vol. I.: namely, that of all the letters written by Madison while attending Congress in Philadelphia, 137 in all, there are only 26 that were not written on Tuesday. The trait is so characteristic as to be amusing. The methodical little man arranged with himself never to miss a Virginia mail.

J. FRANKLIN JAMESON.

The Roman Theocracy and the Republic, 1846-1849. By R. M. JOHNSTON. (New York: The Macmillan Co. Pp. xi. 375.)

MR. JOHNSTON'S book seems to require two criticisms—a lower and a higher. On the lower plane, we can honestly commend it; on the higher, it leaves much to be desired. But perhaps we should state that by the “lower plane” we mean the painstaking statement of facts; and that by the “higher,” we mean the viewing of facts in their proper perspective, the divination of their significance, the recognition of great men and great forces, the presentation of the narrative itself in memorable form. Of all this, Mr. Johnston appears to have no proper comprehension; and we feel at times that one event is to him as important as another, and that the personages whom he describes are all of the same mediocre size.

He begins his story with a backward glance at the rise of the papacy in the Roman Empire; then proceeds to trace very briefly the growth of the papacy down to modern times; until, with the accession of Pius IX. he reaches his main theme. Thenceforward, he describes in sufficient detail each phase of Pius's illusory liberalism, which inevitably swept the Curia into the hands of the extreme Papalini, while the national movement, to which Pius had given its greatest impetus, swept not less inevitably into the hands of the extreme Democrats. The last third of the story is devoted to the short-lived Republic and its struggle against the overwhelming odds massed against it by the French. Mr. Johnston reports these matters in orderly fashion, without enthusiasm, but with evident intention of being fair. He has not only read widely the literature of the subject, but he has digested and coördinated his reading.

But was it worth while to spend the time he must have spent on his book, unless he could lift the episode itself into its proper significance? The overthrow of Pio Nono's government, the stormy interval of the Republic, and the restoration of the old régime, would certainly be of no more consequence than one of the chronic revolutions in South America, were it not that in that Roman episode two political forces of world-wide range came into collision, and that at the end, the Roman Catholic Church set itself implacably against modern progress, declaring its temporal power, the corrupt offspring of medieval times, an essential part of the Church. After the Reformation, for nearly three hundred years, the Roman Church had enjoyed a comfortable, not very active existence, until the French Revolution shook it most rudely. But only under Pio Nono, and as a result of the events described by Mr. Johnston, was it brought face to face in Rome with modern ideals—constitutional government, personal liberty, unhampered commerce, general education, religious tolerance—and after scanning them closely it pronounced them all accursed.

For a historian to chronicle this encounter without perceiving that such tremendous issues were at stake, reveals an incurable defect, which

shows itself further when Mr. Johnston criticizes the actors in this drama. Mazzini, for instance, was by no means the mediocrity here portrayed, although he unquestionably had some of the traits which Mr. Johnston describes. Nor was Garibaldi a Lilliputian. Gioberti was a man of mark, Antonelli far abler than most British statesmen of his epoch. And on the whole, did Englishmen, bred by centuries of freedom to self-reliance and courage, ever make a more gallant defense than did Mazzini and his miscellaneous corps of legionaries, who had no tradition of victory behind them, at Rome in 1849? Mr. Johnston does not fail to see the ludicrous in much of their hasty legislation, and in their exuberance of enthusiasm; but here again, he fails in the most important of an historian's attributes—sympathy. Would an Italian, who should infer that the British are a neurotic race and incapable of self-government, because he witnessed the delirious orgies in which they indulged less than two years ago at the relief of Mafeking and Ladysmith—would such a critic carry weight? Much of the misinterpretation, which on Mr. Johnston's part is unintentional, springs from deficient sympathy. Unless you seek the spirit of the Italian Revolution, you will never write a true history of it. Mr. Johnston has certainly done the utmost that a literalist could do.

The book abounds in typographical errors, especially in the proper names, and in such mistakes constantly repeated, as "Giovane Italia." It is also marred by slovenly expressions and split infinitives, from which an American proof-reader would have saved a careless writer. The historical student will find a larger bibliography on this episode than has been hitherto printed in English.

WILLIAM ROSCOE THAYER.

Political Nativism in New York State. By LOUIS DOW SCISCO. [Columbia University Studies in History, Economics and Public Law, Vol. XIII., No. 2.] (New York: The Columbia University Press. 1901. Pp. 259.)

THIS interesting and important topic has received careful study from a competent investigator, but "leave to print" has led to the neglect of one of the chief duties of the historian—the sifting out from his material that which has no permanent interest. The book is weighted down with masses of details which have already lost their significance: there are long lists of minor and local officers in secret orders; names of candidates for a hundred different offices weary the attention; painfully precise returns in each election break the narrative at frequent intervals. A much stronger impression would have been made by far fewer statistics grouped in tables or presented graphically so that the changes in party strength might be seen at a glance. In many places the arrangement of material is mechanical, and the style is diffuse; indeed, with great advantage the study might have been shortened by a third. In a book of 250 pages, crammed with details, the omission of an index is unpardonable.

Mr. Scisco lays constant stress upon the distinction between a "movement" and a "party." About one-fifth of his space is devoted to the earlier manifestations of nativism, 1807-1843, in which it is interesting to recall that S. F. B. Morse was one of the most enthusiastic leaders. The rest of the book recounts the development of secret orders with nativist principles, and later, through the application of the secret society model to politics, the evolution of the nativist movement into a full-fledged political party, pursuing the ordinary objects by the ordinary methods. Much attention is given to detailing the growth of the legion of secret nativist orders in the period from 1843 to 1852, but too little care is taken in setting forth the particular conditions which at the close of that period occasioned the most noteworthy recrudescence of nativist activity in Know-Nothingism. The impression is given that political nativism practically came to an end in 1860; no attempt is made to trace the career or gauge the influence of the A. P. A.

The bitterly hostile factions into which both of the old parties were split made New York in the fifties an unusually favorable field for the springing up of a new party. The growth, coalitions, triumph and decline of the Know-Nothings are here presented as clearly as the tangled situation admits. The most interesting phase of the story is the relation between nativism and the slavery issue.

The spirit of this study is eminently fair. Narrowness and short-sightedness among the nativists are clearly pointed out; but certain creditable features, too often forgotten, are also brought to light: the early leaders were men of sincerity; "the Know-Nothing council in its best days was, in point of fairness and decency, a vast improvement over the party caucus of the time"; the nominees for public office almost invariably commanded respect both for character and experience; "from first to last, with all its errors and weaknesses, the record made by the secret system in New York State is not unfavorable to it. It did not encourage lawlessness, corrupt the franchise, or stifle public opinion, and all of these offenses were chargeable against the open political organizations of the day."

His thorough-going study of these nativist movements lends especial interest to Mr. Scisco's discussion of two topics, viz., secrecy in politics (pp. 196-202), and an analysis of political nativism, (pp. 242-254). The real work of nativism was to force public opinion to pronounce upon a definition of "American"; its contribution to the evolution of American democratic ideals is the opinion that "social clannishness, ecclesiastical domination and race combinations in politics exist by sufferance, but they are emphatically non-American ideas to be reprobated on broad grounds of public policy."

GEORGE H. HAYNES.

The Confederate States of America, 1861-1865. A Financial and Industrial History of the South during the Civil War. By JOHN CHRISTOPHER SCHWAB. (New York: Charles Scribner's Sons. 1901. Pp. xii, 332.)

THIS volume appears as one of the "Yale Bicentennial" series of publications. The foundation for the work had been laid by Professor Schwab in his lecture courses on Southern conditions and in his contributions to the *Yale Review* and the *Political Science Quarterly* on various phases of the Confederate finances. Hence it is the most scholarly and comprehensive effort yet made to portray other than military and naval affairs of the seceding states. The book is additionally noteworthy in that it is a study made by a Northern man, with the evident purpose of scientific impartiality and accordingly not much of sectional bias is found within its pages. The investigator has gone into the difficult and scattered sources most elaborately. He has made a wide use of the newspaper files of many cities throughout the section. The examination into the laws of the several states has resulted in a collection of facts valuable for reference and comparison. Professor Schwab had access to the archives at Washington, gathered by capture at the fall of Richmond and by subsequent purchase from interested parties. For further research it were a wise and much desired arrangement that the collections now kept separately in the Pension Bureau division of the War Department and the records in the Treasury Department should be combined and a complete index prepared. The conclusion of the Rebellion Records series may make it possible that the government printer will turn his attention to this formidable array of convenient data pertaining to the Confederate Treasury.

The only possible criticisms that might be offered on the author's use of materials are a suggestion of a larger reference to the correspondence of Mr. Memminger, the Secretary of the Treasury, as interpretative of the policy of the administration, and a question as to the acceptance with full credence of such authorities as Jones's *Rebel War Clerk's Diary* and Pollard's volumes of the war.

The main title of the work, *The Confederate States of America*, is given a two-fold application, to the National government and to the constituent members of the Confederacy. A mass of details concerning the financial operations of the several states is presented, yet it is hardly established that the states had a marked influence on the conduct of the central government. Similarities of practice abound, but the national policy must stand on its independent record of merit or demerit. However, there is some indication of an exclusive use of historic sources pertaining to Richmond and a result therefrom of predicating certain conditions as universal. The subtitle, *A Financial and Industrial History of the South During the Civil War*, seems scarcely warranted in view of the very disproportionate treatment of those interests, the latter being discussed briefly in a chapter of seventeen pages. The author appropri-

ately begins with the financial legislation of the four successive years, describing the various ways of supplying the sinews of war. These consisted mainly of placing loans and issuing paper money. The output of notes steadily gained on the sale of bonds, the fifteen million loan of 1861 being tardily supplemented by the one hundred million loan of 1862, while the Treasury currency quickened its rate of emission from three to fifty million dollars a month, and the money-printing machine became the unfailing asset of the administration. The non-effectiveness of the produce loan with its badly ordered subscription of crops is carefully traced and all the manipulations of the foreign loan of 75,000,000 *francs* effected by Emile Erlanger are clearly unfolded. The comments of Professor Schwab on the financial policy are pertinent and the analogies to other money experiments are exceedingly instructive. His criticisms are not too severe of the false reasoning, of vagueness of official estimates and of the blind reliance on the efficacy of the funding scheme to relieve all redundancy of note issues. The chapters on "Legal Tender" and on "Prices" are models of economic presentation, yet the insertion of the discussion of military despotism is of questionable utility. Taxation has not been treated in direct connection with the main fiscal matters and more attention is given to the illusory levy of 1861 than to the large measures of 1863-1864. The rebates of tax in kind against property tax and of property tax against income and the unfair valuations are not sufficiently stressed. The persistence of the agricultural class in Congress in retaining these exemptions led mainly to the resignation of Secretary Memminger; and his successor, Trenholm, came urging the same programme of unimpaired taxation, then overwhelmingly too late. The author would have added to the completeness of his admirable study had he more at length, in a final view, set forth the negation of the various economic forces during the period of Southern history.

ERNEST ASHTON SMITH.

General McClellan. By General PETER S. MICHIE. [The Great Commanders Series.] (New York: D. Appleton and Co. 1901. Pp. ix, 489.)

No student of Civil War history can keep abreast of its unfoldings without reading Michie's *McClellan*.

By notable service in the eastern armies; by close study of military affairs; as the head of the West Point faculty; by his ability as a scholar; by his judicial temperament and power of analysis; he was well fitted to deal ably and impartially with the perplexing problems of McClellan's career. His is a condensed volume, the work of years, and the limits of this review can scarcely exceed the scope of a table of contents.

No preceding history has so clearly shown the thorough preparation which McClellan's training gave for the work which confronted him. Ten days after the firing on Fort Sumter the state of Ohio had commissioned him a Major General commanding her militia. Without waiting to visit his office, or his home, he took up his duties, and his marvellous

organizing powers at once appeared. He entered West Virginia with an admirable plan of campaign, but here on the threshold of his career was developed that caution, born of excessive overestimate of the enemy's strength which followed him to the end of his military life. Though Rosecrans and Blenker did the only fighting, the successes were naturally attributed to McClellan, and, before he had been tested as a commander in battle, he was ordered to Washington where the triumphs of West Virginia shone brightly against the gloom of Bull Run. A great army grew up as if by magic under his energy, skill and power, and he soon won universal confidence, admiration and applause. He at once became prolific with plans of wide scope including the whole country, but not providing for early movement on his own part. His differences with General Scott are vividly set forth.

New interest is given by the chapters which depict Mr. Lincoln's long-suffering, notwithstanding the rapid growth of that general dissatisfaction and impatience which soon followed McClellan's elevation to supreme command. During this rising storm the imperturbable commander took neither the President nor Cabinet into his confidence. Under the erroneous information of his Pinkerton service he pictured the enemy at thrice his real strength, and based his own inaction upon these excessive estimates.

The mortification of Johnston's unobserved and unmolested withdrawal, was followed by strenuous opposition to Mr. Lincoln's plan for an overland advance on Richmond, and insistence upon the peninsula route. He was allowed his way, but it immediately appeared that the transfer of his army had been made with a surprising lack of military foresight. The navy, upon which, without definite arrangement, he had largely counted, was watching the Merrimac, and not available. His information concerning the topography of the country in which he was to operate was defective. The difficulties of the whole campaign, the causes of its failure at every step of the advance, and its humiliating results have not heretofore been set forth so clearly by any writer, while at the same time full weight is given to all McClellan's reasons for his want of success.

The treatment of the bitter discussions over his connection with Pope's campaign must prove a great satisfaction to McClellan's friends, as well as to those of General Fitz John Porter who is held up both as a brilliant soldier, and a sterling patriot.

The gloom over Washington as the defeated army of Pope fell back into its defenses; the turning to McClellan as an organizer; the dilatory advance towards Antietam; the failure to strike promptly when captured orders showed the widely scattered condition of Lee's forces; the grave mismanagement of an army double that of Lee's in this the only great battle in which McClellan was personally upon the field, and the bloodiest one day's fight of the war; the hesitancy in following the escaping enemy; and his removal from command are the dark colors with which the author paints the closing scenes of McClellan's military career.

As a man, a military scholar, a loyal citizen, a patriotic general and

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a gentleman, McClellan was General Michie's ideal. But notwithstanding his unquestioned and versatile abilities, the volume writes him down as a failure in the effective management of a great army in the face of the enemy.

H. V. BOYNTON.

Reconstruction in Mississippi. By JAMES WILFORD GARNER. (New York: The Macmillan Co. 1901. Pp. xiii, 422).

The Reconstruction of Georgia. By EDWIN C. WOOLLEY, Ph.D. [Columbia University Studies in History, Economics, and Public Law.] (New York: The Columbia University Press; The Macmillan Co. 1901. Pp. 112).

MR. WOOLLEY, so I understand, is a Northern man, Mr. Garner a Southerner. So much might perhaps be inferred from a comparison of their treatises, but to make the inference one must begin by conceding to both writers the purpose to be fair. Mr. Woolley avoids the risk of being unfair by declining to attempt any close study of Southern conditions and Southern character, but criticises freely the motives of the Northern leaders in Reconstruction and the policy they adopted. Mr. Garner is extremely shy of criticising the acts of Congress, and does not generalize about the policy, but his perfect familiarity with the people and the conditions in Mississippi is manifest. Each shows by his restraints his fear of being partial. So far as impartiality is honesty, neither leaves anything to be desired.

The merit of Mr. Woolley's essay is in making clear the legal and constitutional uncertainties, the two-sided questions, which successively arose to justify in some measure the curiously illogical steps by which Georgia was brought haltingly back into the Union—from which, according to the only constitutional theory which is consistent with the measures that had been taken to preserve it, she never had actually withdrawn herself at all. The author starts with the proposition that congressional Reconstruction was constitutional if we consider it an exercise of the war powers of Congress. After that, nothing is left to do but to interpret the Reconstruction Acts and reconcile them among themselves. He is logical in his contention that the question whether the ratification of the fifteenth amendment by Georgia validated the amendment itself has nothing to do with the right of Congress to require ratification, or anything else it chose, of the Georgia legislature. Without accepting the argument from war powers, one may concede that it is the best defense of the Reconstruction Acts against the charge of unconstitutionality.

On other grounds, Mr. Woolley criticises the whole plan unsparingly. Neither the humanitarian, the disciplinary, nor the political objects of it—so he classifies the motives of its promoters—were attained. As to the process in Georgia, he outlines it very barely, and concludes that the Reconstruction government of that particular state, though guilty of extravagance, of mismanaging the state railroad, and of pardoning too many criminals, was guiltless of the enormities it has been charged with.

Mr. Garner, if he himself does not criticise and generalize, certainly supplies his readers with the amplest material to form their own opinions. If anything that ought to go into his narrative is omitted, it is something that was done at Washington, not in Mississippi: he does not detail the laws of Congress or state fully President Johnson's original proposals. Every step of the two processes in Mississippi is set forth with transparent honesty, every condition and element of the problem there is adequately considered. Going back to the beginning of the secession movement, and making a résumé of Mississippi's experience in the war, he prepares us, as we could not otherwise be prepared, to understand how the impoverished, disappointed people were affected by the changes they were hurled through. For thoroughness, straightforwardness, completeness, the work deserves high praise; it is no doubt the best account we have of Reconstruction anywhere. It is so good a piece of work that one is vexed, as one often is with similar performances, not to find it better—not to find it of such a quality, and so rounded out into a book, that no phrase like "a piece of work" would fit it. That, however, is what it is. Mr. Garner writes acceptably, because he writes honestly and simply, though not always correctly, but he writes without art, and our interest in the profoundly human story he is telling is never heightened by any device of his. Now and then we glimpse a humorous aspect of the matter, but he does not seem to enjoy it with us. One is led to think of his book, and his solid, plodding style, as a result of Reconstruction. Surely no Southerner of an earlier generation could have recounted so dispassionately these humiliations of his people or so carefully have weighed out praise and blame to such a man as Adelbert Ames, military governor, United States Senator and finally civil governor of a state which he never saw until he marched into it as a conqueror and which he left forever so soon as a legislature bent on impeaching him had agreed to let him resign.

Mississippi is perhaps the best state to single out for a fair example of carpet-bag rule. It was not misruled so atrociously as South Carolina, nor, on the other hand, did the native whites regain control so quickly as in Georgia. Mr. Garner goes far enough in the way of generalizing to tell us that the Mississippi carpet-baggers were probably superior as a group to those of South Carolina and Louisiana. The blacks of the state outnumbered the whites, however, and they were mostly of the densely ignorant, large-plantation type. Here are a few of the more striking instances Mr. Garner mentions of the upside-down arrangement which Reconstruction for a time established.

Every member of the Madison county board of supervisors, an important legislative body, was a negro, and only one member could sign his name; there was not a justice of the peace in the county who could write. The negro president of the Wilkinson county board testified before a committee of Congress that his property consisted of "a mule, a horse, two cows, and a family." Amite's board was made up of four negroes and one white man, all under indictment. Yazoo, a very

wealthy county, had a negro sheriff, a negro chancery clerk, circuit clerk, two negroes in the legislature, and three on the board of supervisors. The chancery clerk said he "could write a little." One member of the board was a native white. All the other county officers were carpet-baggers—the assessor from Iowa, the circuit judge from Pennsylvania, the chancellor from New Hampshire. The salaries of most local offices had been raised to very handsome figures. Some of the sheriffs got from fifteen to twenty thousand a year. Crosby, the negro sheriff of Warren county, the forcible ejection of whom from office was the main provocation to the Vicksburg rioters of 1874, could not write a return, and the signatures on his bond were all made with marks except one, and that was a married woman's, whose signature did not bind her.

W. G. BROWN.

Asia and Europe. Studies presenting the conclusions formed by the author in a long life devoted to the subject of the relations between Asia and Europe. By MEREDITH TOWNSEND. (New York: G. P. Putnam's Sons. 1901. Pp. xii, 388.)

As the subtitle of this book indicates the author has given long and close attention to the fascinating subject of the relations between Orient and Occident, which his life-work for a time afforded him the opportunity of studying at first-hand. In the presentation of his views, Mr. Townsend rarely leaves the sound basis of personal observation or historical experience, and even in the few instances where he allows himself to indulge in forecasts, he simply draws the logical conclusions of facts and conditions which he has found to exist. As few writers have the experience and insight necessary for the discussion of so broad and far-reaching a subject, the views of a man who has enjoyed such opportunities will claim wide attention, although they cannot of course be assured of universal assent. While Mr. Townsend is not an historian, inasmuch as he does not present any sequence of events but rather discusses and illustrates tendencies, still his work is of importance to the historical student as a commentary on the political, social, and philosophical movements in the orient, and especially in India, during the last half century. The author does not go into any detailed critical or technical discussion of actual systems of government, or of administrative measures, his point of view being neither political nor economic, but psychological; in the irreconcilable characteristics of the general mental constitution of the eastern and western races, which he attempts to analyse, he sees an insurmountable barrier which no assimilating efforts can level to the ground. As the book is composed of a series of contributions to English reviews, covering a period of several decades, the character of its contents is somewhat fragmentary, and the reader must gather from various parts the author's opinion on any given topic. Often we would gladly know without having to consult Poole's *Index* at what time the various essays were written, in order to avoid the feeling of encountering anach-

ronisms with respect to the date of imprint. The papers dealing with the Arabs and the negroes are based on less direct knowledge than the other parts of the book and the opinions expressed in them need not here be further considered.

Notwithstanding his pessimistic view of the future relations of East to West, the author does full justice to the remarkable administrative work performed by England, when he says that it is "the most marvelous example the world has ever seen of governing human beings through abstract principles." Still the conquest of India and Asia he does not consider permanent, nor has it in his opinion brought unmixed blessing to the native races. The Westerner has made but a very superficial impression on the Oriental in the past, and present conditions are even less favorable than those of the past for the formation of a closer personal relationship. White men are merely sojourners in India, and an insurrection against their rule may occur at any time, and will occur—the author thinks—"within a month of our sustaining any defeat severe enough to be recognized as a defeat in the Indian bazaars." The masses of India, who have benefited most from the British rule of law and order, are too passive and inert to form political opinions; they, therefore, have no appreciation of the benefits conferred; on the contrary they are dissatisfied because they have been rendered liable to eviction from their ancestral holdings, the one oppression which they consider intolerable. This is a result of the general enforcement of the obligation of contract, and in this respect the masses have not been benefited by the establishment of justice. The upper classes either strive for place, and place is disappointing, because under British rule it does not imply that kind of power which an Oriental values, the power of punishing his enemies and rewarding his friends; or they hold coldly aloof, mourning the lost opportunities of rising rapidly to power. Those who have received a European education are often the most intensely hostile to English rule. While it is not true that the Orientals dislike justice, a slow and intricate manner of procedure in civil and criminal cases, with repeated opportunities for appeal, does not enlist their respect; they demand rapid, inexpensive, final justice, and look back with regret to the days when cases were disposed of summarily by the native ruler, forgetting all the while the terrible oppression that usually accompanied this system. "It will take three centuries at least for the idea of government by law to filter in its full strength down to the Indian masses." One of the most unhappy results of the conquest is that a torpor has seized the higher intellectual life of India, and that power in the application of art knowledge is becoming rare.

The characteristics of the Oriental mind, which differentiate it so radically from that of the West that even mutual understanding seems impossible, are all the outgrowth of that subjectivity which leads the Oriental to construct his world *a priori* upon some philosophical model and without regard to practical results. The mental attitude of the Oriental towards nature is one of passiveness and humble submission to all her cap-

rices and majestic cruelties. Natural catastrophies in the orient are of such size as to strike terror into man and to stifle the thought of conquering or controlling the forces of nature. Hence, the Oriental submits in general to the established order, and a policy of reform does not appeal to him. His political world he assimilates to his ideas of the universe, which he imagines as controlled by some irresponsible deity. Thus government is in its essence divine, irresponsible, not a mere matter of business and calculation. Orientals readily accept the leadership of great men, they are true hero-worshippers. Their moral judgments are not fixed, but vary with the castes and with the conditions of life. Falsehood is looked upon in the spirit of the Gascon as "an exercise of the intellect like another to be judged by its object and its success." When the will of an Oriental has seized upon a certain purpose it closes with a fatal grip, and no consequence will deter it; in this manner the usual submissiveness at times gives way to a stormy violence which hurls the masses against established institutions. Ordinarily, they are submissive even under great oppression and extortion; their abstemiousness is the despair of the ministers of finance, who can find nothing to tax, and it renders them physically weak as it is in many cases synonymous with constant under-nourishment. Meanwhile, they take life as it comes in a gentle spirit of humorousness. The author speaks of Dhuleep Singh as a typical Asiatic; educated in Europe and for a time adopting completely the ways and thoughts of the West, this native prince suddenly dropped the whole varnish of western civilization and started on a crusade of vengeance against England. Thus, in general, the acquisition of Western culture and learning by the Oriental is but superficial and does not deeply modify his character.

The author contends, contrary to the usual assumption, that patriotism does exist in the orient, and instances in support of his view the pride of the Bengalee in the past grandeur of his country. It would, however, seem that, while a certain attachment to their country and its history exists among Orientals, they have not, with the exception of the Japanese, developed that habit which to quote Lecky "men acquire of regarding their nation as a great organic whole, identifying themselves with its fortunes in the past as in the present, and looking forward to its future destinies." Mr. Townsend admits that the patriotism of the orient is similar to that of the Middle Ages; patriotism, however, does not get its full meaning—the recognition of membership in a larger organic unity—until the city state has been reached in political development, and this stage the orient has not as yet attained to.

Race psychology is a subject of such elusiveness that an attempt to deal with it outside of the art in which Lafcadio Hearn is a master will always be approached with caution. Mr. Townsend has, however, infused so much of direct observation and of careful reflection into his work, that it will be received with great respect. Together with Mr. Theodor Morrison's *Imperial Rule in India*, and Kipling's portrayals of native habits of mind, it forms a strong indictment of the policy of

introducing the western mechanism of government and civilization into the orient. We are in great need of a scientific study of the development of Indian administration and its influence on native society—a work which will demand not only a technical mastery of institutions, but before all an understanding of the psychological difficulties which Mr. Townsend has suggested. We might wish for our own sake that he had discussed more in detail some of the political measures of the last two decades in their relations to native life, or that he had given us his views on the results of the introduction of western *industrial* civilization in the orient, with its cardinal idea of a uniform natural law, free from caprice—an idea of great potentiality for radically influencing the Oriental mind; but we are grateful to him for the stimulating and suggestive thoughts he has communicated to us, and for such apt expressions as “contemptuous guardianship”—a fit pendant to the “ironical allegiance” so much spoken of in former days.

PAUL S. REINSCH.

The Working Constitution of the United Kingdom. By LEONARD COURTNEY. (New York: The Macmillan Co. 1901. Pp. viii, 383.)

THIS book, as the title indicates, treats of the existing political institutions of the British Empire. It is, however, far more than a mere descriptive handbook. Each institution is presented in an appropriate historical setting and the successive stages of recent development recounted in outline, sufficient to explain current facts. The various defects and inconsistencies of the existing machinery of government are also pointed out and possible remedies suggested.

The plan of treatment is admirable. Part I. is occupied with the consideration of Parliament—Crown, Lords and Commons—as the organ through which the will of the nation seeks formal and final expression; Part II. with the consideration of the institutions subordinate to Parliament—the judiciary, the church, and the various organizations for local administration; Part III. with the relations of Parliament to the Empire, and to foreign powers. Under this head are also treated the local institutions of the several kinds of colonies, the question of ultimate federation, and the possible result of the attempt to govern alien races from Westminster. A chapter is given to the delicate machinery by which treaties and other conventions are made with foreign powers, and a final chapter to the possibilities of the British Constitution in the way of future growth.

In a work of this character where the demands of severe condensation are paramount, one hesitates to raise an issue with an author who is evidently so well possessed of the matter in hand. Some statements, however, certainly need qualification. For example, after speaking of the ancient origin of the parish, the author proceeds to consider it as the unit in political organization, a function of the parish which is by no means ancient, but belongs rather to comparatively recent times. So

also in discussing the legislative functions of the House of Lords, the author presents the long accepted view which deprives the Lords of all power to arrest legislation in a final issue with a ministry that possesses the support of the Commons; and yet in the light of the memorable defeat of the second Home Rule Bill of Mr. Gladstone, the question may be fairly raised: does the accepted theory of the legislative nonentity of the Lords express fully the fact? Are there not conditions under which the rejection of a measure by the Lords is a finality, although at the time the measure possesses the support of the Commons. It is significant that before the determined front of the Lords in 1893 even Mr. Gladstone flinched, although in the Newcastle Programme he had pledged himself "to mend or end" the House of Lords.

The American student will regret that the author has not seen fit to give fuller treatment to the material grouped under Part II. In Part I. he traverses a well-beaten track, familiar to all students of English history. But in discussing the working of the British judicial system and the development of local government in recent times, the author enters the mysterious shadows of a land, to the average American student, virtually unknown. The value of the book would also be increased for an American reader were it accompanied by a glossary in which such technical terms as are not to be found in an ordinary dictionary might be explained. All in all, the style is not as lucid as one has a right to expect in a book of this character; the composition is frequently careless and sometimes the result is startling. Note this remarkable statement on page 246, "the city is divided into twenty-six wards, the rate payers of which annually elect common councilmen in varying numbers having some rough relation to their size."

BENJAMIN TERRY.

Dictionary of National Biography. Edited by SIDNEY LEE. Supplement, in three volumes. Vol. I., Abbott-Childers, Vol. II., Chippendale-Hoste, Vol. III., How-Woodward. (New York: The Macmillan Co.; London: Smith, Elder and Co. 1901. Pp. lii, 430; vi, 452; vi, 522.)

THE *Dictionary of National Biography* has now reached definite completion. It was begun as long ago as 1882 and the quarterly volumes have since appeared with clock-like regularity. Between the beginning at "A" and the ending at "W" many persons died who were entitled to a place in the *Dictionary*. Some names also were omitted from the earlier volumes. The present supplement covers these omissions and completes the *Dictionary* to the end of the reign of Victoria. There has indeed been a rare dramatic finish to the great work. The Queen died when the supplementary volumes were under way and the close of her reign then became a fitting date to mark the end of the work. It is therefore complete to January 22, 1901. Mr. George Smith, the publisher, who brought it out at enormous financial loss, died April 6, 1901, having lived to see it practically finished. In one sense, however, the

Dictionary is always unfinished. Within the British Empire about seventy-five persons die annually whose reputation entitles them to this national commemoration. At this rate every fourth or fifth year material accumulates for a supplementary volume.

The *Dictionary* is a noble national monument. Its first editor, Mr. Leslie Stephen, and his successor, Mr. Sidney Lee, have both shown extraordinary capacity for their difficult task and their work is as near perfection as anything human is likely to be. Some complaints have been made that the system of cross-references is inadequate and a good many minor errors of fact, especially in the lives of colonial personages, have been pointed out. There were complaints, too, of omissions; but the present supplementary volumes correct all of these that in the editor's judgment deserve consideration. The work is sometimes wanting in a sense of proportion. It is doubtful, for instance, if Mr. Gladstone, Mr. Ruskin, Lord Russell of Killowen, or even Queen Victoria, will retain for future ages the importance, relative to others, assigned to them here.

There are some unexpected names. Dr. McCosh, the famous President of Princeton, figured so prominently in the life of the United States that we hardly expect to find him, as a Scot, included among British biographies. Antonio Carlo Napoleone Gallenga is not precisely English in form. He was an exiled Piedmontese patriot who became a correspondent for London newspapers and died in England. Perhaps the most striking thing in the supplementary volumes is the very large number of names of persons who made their fame in Canada, Australia, or South Africa. This is a noteworthy phase of present day imperialism. The share allowed to such lives is generous and there has obviously been a desire to do full justice to "Greater Britain."

We turn naturally to examine the lives of the historians. Freeman and Froude stand almost side by side. Perhaps, since death, the reputation of Freeman has declined more than has that of Froude. In life Froude's weaknesses were emphasized by persistent attack, while Freeman succeeded in inspiring the critics with something like terror of his powers. A *Quarterly* reviewer, later revealed as Mr. Round, soon after Freeman's death, attacked his accuracy in regard to the battle of Hastings. Since then, others have raised their voices and few now do him the old unqualified reverence. Mr. Hunt, Freeman's friend and fellow-laborer, claims here that Freeman "raised the study of history in England to a higher level than that on which he found it, chiefly by inculcating the importance of a critical use of original authorities, of accuracy of statement, and of the recognition of the unity of history." This may be true, but it does not cover a complete outfit for the historian. Freeman was bitterly prejudiced, and, as his treatment of Froude showed, he could not be fair when the personal equation was involved; he accused Froude, a Fellow of Exeter and a good Latin scholar, of translating *praedictae rationes* as "the aforesaid rations"! He wrote also, always from the point of view of complacent patriotism, and the present generation finds it hard to forgive him for his neglect of social life and

manners. Other historians of lesser note, H. D. Traill, Sir George Stokes, Professor Lumby, Wm. Kingsford, appear in these volumes. Two more writers, qualified to stand in the first rank—Stubbs and Creighton—have passed away since the volumes were prepared for the press. The special advantage, which the memoirs in the supplementary volumes have, is that they are contributed by contemporaries and in most cases by those having personal knowledge of the subjects.

In putting the work upon our shelves we ask whether the United States is likely soon to have such a dictionary. It is very doubtful. Reputations are more fixed, precise, and generally recognized, in an old country like Britain than they can be in the republic. Every state of the Union has its own standard of importance. New York's estimate is not Nevada's and only an omniscient editor could fix a scale that would gain general recognition.

GEORGE M. WRONG.

Seventeenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1895-1896. By J. W. POWELL. Part I. (Washington: Government Printing Office. 1898. Pp. cxiii, 468 + 129-344.)

Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-1897. By J. W. POWELL. Part I. (Washington: Government Printing Office. 1899. Pp. lvii, 518.)

THE Report of the Bureau of Ethnology for the fiscal year 1895-1896 is published in two volumes. There are two memoirs in each volume; the first deals with the Seri of northwestern Mexico, a people hitherto little known and remarkably interesting to the student of primitive culture; the second gives an account of the Kiowa, a small plains tribe that has maintained its autonomy in the midst of a multitude of migratory and warring tribes. The second volume deals with peoples of the southwestern plateau, the Navahos and the Hopi.

These papers cover a wide range of cultural development. The Seri are in perhaps the lowest phase of American culture; the Kiowa represent the large group of hunters so materially modified by the acquirement of the horse; the Navaho are rapidly advancing toward a sedentary life; and the ancient Hopi have already developed the art of agriculture and stand highest among the aborigines within the present territory of the United States. The papers are based upon extended studies in the field as well as upon the examination of the literature of each group: the first three treat of ethnologic and historic subjects for the most part, while the fourth describes an archæologic investigation with special reference to esthetic concepts.

The Report not only maintains but advances the high standard of excellence of the series. The illustrations are numerous and well selected, those accompanying Dr. Fewkes's paper being especially noteworthy. The introduction contains a list of the publications of the

Bureau nearly all of which are out of print. This introduction "deserves to be read" for the essay upon anthropologic classification which it contains as well as for the information concerning the work of the Bureau staff.

Professor W J McGee's monograph upon "The Seri Indians" contains a somewhat extended account of the physical characteristics of Tiburon Island, in the Gulf of California, and the adjacent coast of Sonora, and is accompanied by a new topographic map. The tribal history characterized by aloofness and hostility to aliens is outlined in a chapter of seventy-two pages. The description of the somatic characters of the Seri proves them to be among the strongest and hardiest of the human race. Rivalling in speed the horse and the deer, they have shown themselves capable of enduring long periods of fatigue, hunger and thirst. They are of gigantic stature, the mean for the males being about six feet, and for the females about five feet and eight or nine inches. To the demotic characters of the Seri 132 pages are devoted, principally to the industries and industrial products. Decorative art is represented almost solely by facial painting, which is confined to the females. In his remarks upon the spontaneity of the esthetic, Professor McGee observes that "the esthetic activities afford a means of measuring developmental status or the relative positions in terms of development of races and tribes." Judged, then, by their meager esthetic and industrial motives the Seri stand near the bottom of the scale of demotic development. Utterly devoid of agriculture and without domestic animals, the Seri are confined in their industry to the manufacture of the few simple weapons needed for the chase and the nearly continuous warfare which they wage against all aliens, to the construction of boats and the few wretched shelters which they possess, and to the manufacture of scanty clothing.

The strait which separates Tiburon Island from the mainland is crossed by means of balsas made of cane. These boats are graceful, buoyant and wonderfully efficient in a stormy sea. They are without paddles, oars or other means of propulsion, either the naked hands or a shell held in the hand being used. The habitation of the Seri is likened by the author to the "prairie schooner." It is of about the same width and height and is open at one end. It is covered or has, irregularly piled against it, heaps of shrubbery, turtle shells, sponges and the like. The most distinctive article of apparel is the kilt worn by all, which extends from the waist to the knees. It was originally made of coarse textile fabric or birdskins. Among their social customs the strict marriage laws and the antipathy toward aliens stand prominently forth. The memoir closes with a fifty-page account of the Seri language, including a comparative lexicology, whereby the author shows that the Seri are to be regarded as a separate linguistic stock and not as hitherto supposed belonging to the Yuman family.

The second memoir of this volume is a "Calendar History of the Kiowa Indians," by James Mooney. About a hundred pages are devoted

to an historical sketch of the Kiowa, while the remaining two hundred contain a careful discussion and interpretation of the calendars. The work is characterized by a clearness and mastery of detail that could be acquired only by prolonged and patient research, as well as by an intimate knowledge of the Kiowa at first hand and of adjoining tribes. The Dakota and Kiowa calendars are the only ones thus far known among the plains tribes. Mr. Mooney succeeded in obtaining three calendars from the Kiowa, while a fourth was loaned to him. Another was reported to have been buried with its owner a number of years ago. One of these covers a period of sixty years from 1833; another, beginning with 1864, covers a period of twenty-nine years; and a monthly calendar embraces a period of thirty-seven months. Events that would appear to be of the highest importance from the point of view of the white man are sometimes not noticed in the calendars, while on the other hand the most trivial circumstances are recorded. In these as in the Dakota records the motive seems to have been to draw pictographs commemorating events of peculiar interest to the recorders.

The first volume of the Eighteenth Annual Report contains a memoir upon "The Eskimo about Bering Strait" by E. W. Nelson who resided at St. Michael from 1877 until 1881 and who made thereafter further exploratory trips as naturalist and ethnologist to Siberia and various portions of Alaska. The publication of the results of Mr. Nelson's work was delayed by ill health, though the field work was done, fortunately, so long ago that the tribes had been little modified by acculturation. The memoir deals primarily with the technology of the Eskimo though it also contains a very full account of the social life and of the folk-tales of the people. The author is to be credited as the only observer who has detected the existence of a gentile organization, with corresponding totems, among the Alaskan Eskimo north of the Kuskokwin River. However, little information concerning the details of this feature of the social structure were obtained.

The industrial products of the Eskimo challenge our admiration because of their ingenuity and the skill with which they are wrought. They are quite numerous when we consider the poverty of their severe environment. Mr. Nelson's careful descriptions give us a fuller realization of the hazardous adjustment existing between the native and his surroundings. A noteworthy feature of the collection is the fact that the objects were made for use and not for sale; hence they are not cheap imitations hastily prepared for the curiosity hunter. The practice of building a large house to be used as the center of the social and religious life of the village recalls the kiva of the southwest. In this kashim the unmarried men sleep at all times, dances and festivals are held there; it is the place for receiving guests; it is the gathering place where the men make tools and weapons or dress skins. In the kashim, also, the sweat baths are taken by the men and boys at intervals of about a week during the winter. The heat is so intense that respirators are necessary to protect the lungs. From the sweat bath they go outside and pour ice water

over their backs with dippers, "apparently experiencing the greatest pleasure from the operation"! The account given of the "moral characteristics" of the Eskimo is not laudatory and it is comforting to know that the low esteem in which human life was held at one time has changed with the advent of the new.

Considerable space is given to the festivals wherewith the Inuit enliven the long dark winter. Their masks are described, also, with many excellent illustrations. They are more secretive in their practice of religious rites when in the presence of white men—the only effect of the presence of missionaries for half a century. Not half a dozen full-blooded Eskimo in the whole region believed in the white man's religion but all were firm believers in the shamans. They believed, also, in witchcraft and that a witch might steal a man's shade and thereby cause him to pine away and die. This resulted—as so frequently happens to ethnologists among the American aborigines—in the firm belief that the figures on the ground glass of Mr. Nelson's camera were the shades of those whom he sought to photograph and as he had them all in the box they were in imminent danger! The shamans were all-powerful and the manner in which they were "called" to this vocation is of general interest. The initial step is to have one's attention drawn to some remarkable event; after noticing this he either secures the aid of some old shaman or practices in secret until he thinks he has acquired sufficient power to warrant his announcing himself to the people. One noted shaman on the lower Yukon was led into the business by having strange dreams and frequently waking up in a different place from that in which he went to sleep! The more shades a shaman could control the more powerful he became. Not infrequently they caused the death of infants and afterwards stole the body which they dried carefully and kept in order to secure control over an especially potent spirit. If a shaman was suspected of using his power to work evil on the community he was in danger of being killed by common consent. In the fall of 1879 the Malemut of Kotzebue Sound killed a shaman simply because he told too many lies.

A number of fetishes are described and figured; and reproductions are given of the fabulous monsters concerning which the Inuit have many myths. Among these we notice the thunderbird that forms so conspicuous a figure in North American mythology. About fifty pages are given to folk-tales of which the raven legends are said to be the most popular as they account for the origin of all things. Young men who have a special aptitude for memorizing become the narrators repeating the tales verbatim with the same inflections and gestures again and again to the attentive listeners who do not seem to tire at the repetition. Mr. Nelson mentions having been kept awake several nights at the mouth of the Kuskokwin by young men lying in the kashim repeating for hours the tales they were memorizing.

The volume is illustrated by 107 plates and 165 figures in the text. It is indispensable to the curators of ethnologic collections, and of value to students of sociology, comparative religion and folk-lore.

FRANK RUSSELL.

Primitive Man. By Moriz Hoernes. Translated from the German by James H. Loewe. (New York, The Macmillan Co., 1900, pp. 135.) We regret that we cannot speak in high terms of this little book on *Primitive Man*, for Moriz Hoernes is one of the leading archæologists of Europe. His work, field investigation and museum development is of the highest grade. His large book, *Urgeschichte des Menschen*, is unquestionably the best general manual of prehistoric archæology. But a man may write a capital manual and fail in preparing a primer. This Dr. Hoernes has pretty nearly done in this recent number of the "Temple Primers."

It is a difficult task to present an outline of the great field of prehistoric archæology within the space of 126 32mo pages. Dr. Hoernes first presents some preliminary chapters upon general subjects; he then discusses more special themes under the headings—"Earliest Traces of Man," "The Later Stone Age," "Aryan and Semite," "Pile Dwellings," "Metals," "The Bronze Age," "The Hallstatt Period," "The La Tené Period." These chapters vary greatly in interest and value. Dr. Hoernes's chief service in the book is the fair discussion of the Hallstatt and La Tené periods and his location in their proper relations of the finds made by Dr. Schliemann in his excavations. These topics are so rarely treated in elementary and popular works upon archæology that general readers find them hazy problems.

We may reasonably expect that a translator shall know the language from which he translates, the language into which he translates and the subject with which the work he is translating deals. Mr. Loewe, the translator of this book, appears to know none of these three things. He knows German so little that he thinks wise to acknowledge it in his preface: his English is so inadequate that he speaks of *palstabs*, of "receiving iron in large proportions" (quantities), of *kjoekkenmoeddinge* (a plural which is neither English nor Danish), of objects of "hammered stone" (chipped stone objects), of "glass pearls" (beads), of "stone vaults which they built in the solid cliff" (which he informs us are "megalithic graves"). Would that these were occasional slips! Mr. Loewe's "notes" would be laughable, were they not cause for tears. What school boy needs a definition of the word *moraine*? Where could less satisfactory definitions of the modern conception of *loess* be found than those he presents? Why does he glide over the word *fibula* with no explanation and then inform us of its limited synonym "dress-pin" that it is "like the safety-pin of the nursery"? Who could compose a worse list of "English works not included in the author's bibliography"? But, enough! Moriz Hoernes should have written a better primer; and, if no translator could be found who knew German, English and archæology, the book might better have remained in the original.

FREDERICK STARR.

A Short History of the Hebrews, to the Roman Period. By R. S. Otley, Rector of Winterbourne Bassett, Wiltshire. (New York, Macmillan;

Cambridge, The University Press, 1901, pp. ix, 324.) This book may be recommended to general readers who desire to have an intelligible and readable sketch of ancient Hebrew history. It is the work of a clergyman who, though not a specialist in this department, is intelligent and diligent; he has carefully consulted the best recent English material, but seems not to be acquainted with German and French authors, except so far as they appear in English encyclopaedias or have been translated into English. His narrative is clear and attractive, with an agreeable interspersing of cautious and sensible critical remarks—it shows the judicial sanity of an educated English gentleman. There is a certain advantage in a non-specialist's view of a period of history in process of critical construction; such a one escapes to some extent the vagaries and the complications of discussion. On the other hand, he is in danger of making the story too smooth, passing lightly over the asperities of opposing facts, and thus giving a false impression of historical certitude. Mr. Ottley has not entirely escaped this danger: his accounts of the origin of the Hebrews, of Abraham, Jacob, Joseph and Moses, of the formation of the twelve tribes, and of the exodus from Egypt and the conquest of Canaan omit a number of difficult and interesting questions. He says nothing of the possibility or probability of a series of partial movements to and from Egypt; he dismisses the origin and establishment of the Yahweh-cult with a word; and he follows too closely the legendary narrative of the book of Joshua. Occasionally he slips into dogmatic embellishment: according to the critical principles which he himself adopts he is not warranted in ascribing to the Israelites in the earliest times a purer faith than that of their neighbors, or in regarding the judges as champions of religious orthodoxy. But, notwithstanding such inaccuracies as these, the volume gives a generally good picture of the course of the national development; its attempt to discover the historical kernel in the stories of the patriarchs is well-considered, and after the time of Saul the authorities for the history down to the Babylonian exile are fairly trustworthy. The most doubtful period after the capture of Jerusalem by the Chaldeans is that represented by the books of Ezra and Nehemiah; here also our author's narrative is smoother than the material justifies. It is a more serious fault that he accords a certain degree of historical value to the book of Daniel; his statement that Belshazzar was put to death by Cyrus (so he seems to say, p. 228), has nothing whatever to support it, not even the narrative in the book of Daniel, though one very doubtful inscription has been supposed to state that Gubaru slew "the son of the King." A small error that it may be worth while to mention is the rendering the Assyrian title "rabshakeh" (2 Kgs. xviii. 17) by "chief cup bearer"; the word means "general" (of the army). Also it is desirable that the term "brass" should disappear from the English Old Testament, and be replaced by the proper term "bronze," or possibly in some cases by "copper."

C. H. Toy.

In the series known as the "World's Epoch Makers," edited by Oliphant Smeaton, the Rev. William Fairweather contributes a volume on *Origen and Greek Patristic Theology*. (New York, Scribner, 1901, pp. xiv, 268.) After an introductory chapter on Pantænus and Clement, the book is devoted to the life, the writings and the theology of Origen, with a brief statement of the main traits of Greek theology and of the fortunes of Origenism in later periods of the church. While the work adds nothing to the knowledge already accessible, it will reach a new class of readers and will deserve popularity as a careful and judicious summary written in an attractive style by one who has a true grasp of his subject. It has not the striking features or pointed statements of the expositions by Bigg and Harnack, and as it expounds Origen by the aid of a more fully developed formal system, it is more conventional and less interesting than Origen's own discourse. To this, as to many similar books, two criticisms are applicable. By the obscuration of views over which the Alexandrian thought triumphed, the relation of Origen to predecessors and contemporaries is not clearly conceived, and by a failure to discriminate this Alexandrian thought from that which began with Athanasius, many things are said of Greek theology which are properly not so general in their application.

F. A. C.

A History and Description of Roman Political Institutions. By Frank Frost Abbott. (Boston, Ginn and Co., 1901, pp. viii, 438.) This book covers the period from the beginning of Rome to the age of Diocletian. For each epoch there is an historical sketch of the growth of the political institutions and a systematic description of their form. Excellent bibliographical lists and marginal references to original authorities are given in the body of the book, and citations of important documentary sources in the appendices. Professor Abbott's volume will probably appeal most strongly to his colleagues working on the borderland between history and linguistics, who have noted the curious lack of stress by American scholars and teachers on the political institutions of Rome, the side of Roman life that has the most significance for the modern world. It will be of real value to the high school teacher of Latin who sees the failure under our present system to correlate the results of Latin class-room work with other departments of knowledge. By the history teacher who recognizes our American deficiencies in ancient history, it may be welcomed as an attempt at showing to classical students early in their career the attractions of the institutional side of Roman life.

JOSEPH H. DRAKE.

England's Story by Eva March Tappan, Ph.D. (Houghton, Mifflin and Co., 1901) will be chiefly valuable as a text-book or supplementary reader for grammar schools, though it is suggested that it may be used for first-year work in the high school. The style is sufficiently clear, simple, and graphic to catch and hold the attention of the young pupil. One notices occasional traditional errors, and, now and again, the effort

to condense leads the writer to convey an erroneous impression. Still, the book should have a place in the front rank among grammar school histories. The illustrations, the maps, the summaries of each reign, and the indications for the pronunciation of the harder names in the index are all helpful.

A. L. C.

Professor Blok's *Geschiedenis van het Nederlandsche Volk* is being done into German, by Pastor O. G. Houtrouw, of Neermoor, and is appearing in the series "Geschichte der Europäischen Staaten." Thanks to Mr. Bierstadt and Miss Putnam we have an English version of this work, but the German translation will still be of interest to English readers (Gotha, F. A. Perthes). In the first place, it is a full translation; it is in no part an abridgment. It will be remembered that, at the author's suggestion, those parts of his work that relate to political narrative were paraphrased in the English edition and their length thus considerably reduced. The original, then, is to be as fully accessible in the German as in the Dutch. In the second place, the German version seems to be exceptionally good. At all events it is effective, and it reads so that one forgets it is a translation. The first volume, the only one out thus far, like the original, brings the subject down through the development of the towns.

E. W. D.

Les Sources de l'Histoire de France. Tome I. Époque Primitive, Mérovingiens et Carolingiens, by Auguste Molinier [Manuels de Bibliographie Historique. III.] (Paris, Alphonse Picard et Fils, 1902, pp. viii, 288), constitutes the first part of a long expected work, which, when completed, is designed to be a critical catalogue of the narrative sources of the history of France from the earliest times to the beginning of the Italian wars. So far it comes down to 987; the rest of the work will treat of the feudal epoch and the Capetians to 1180, the direct Capetians from 1180 to 1328, and the Valois and the Hundred Years' War, to 1494. Also, the last fascicle will bring a detailed introduction.

This new bibliographical aid naturally takes a place in the same general class with the *Histoire Littéraire*, Chevalier's *Répertoire*, Potthast's *Bibliotheca*, Ebert's *Histoire de la Littérature Latine*, and the guides by Wattenbach, Dahlmann, Monod and Gross. At the same time it differs more or less from all of these familiar helps, in object and method. It really aims to do for French historiography what Teuffel has done for Roman literature: it enumerates systematically the narrative sources of the history of medieval France and indicates the principal books and articles to consult on each author or work. However, with the strictly narrative sources M. Molinier has joined what he calls "indirect sources," works of a more or less literary character but of use for historical purposes: letters, poems, inscriptions and political treatises. Each chapter usually begins with a short account of the nature and relative importance of the sources enumerated in it. As a rule only the principal editions are cited; but the reimpressions in Migne are referred to, because of their

convenience. In the lists of works to consult, the author has attempted to make a choice, deeming it useless to mention a multitude of books that have been superseded or that are recognized to be erroneous.

As M. Molinier observes at the close of his preface, there is no more unsatisfying work than making a scientific bibliography. It may not suit everybody concerned; spite of all human pains, errors and omissions cannot be wholly eliminated; and the progress of knowledge soon renders a new edition necessary. But when such work is as well done as in this case, those who profit by it will hardly withhold their hearty appreciation or even any assistance they may be able to give toward removing imperfections. The *Sources de l'Histoire de France* is logically put together, it gives an abundance of carefully selected information, and it fills a serious gap. In its present form it will meet in great measure an ever-present need of the student of medieval history, and it will of course be of still more service when the completed work is provided with a general chronological table. This table, it is promised, will be as complete and detailed as possible. E. W. D.

The *Quellen und Untersuchungen zur Geschichte des Hexenwahns und der Hexenverfolgung im Mittelalter* promised by Dr. Joseph Hansen as a supplement to his foundation-laying work, *Zauberwahn, Inquisition und Hexenprocess im Mittelalter*, has now appeared, and proves to be an admirably edited collection of nearly the whole special literature of the witch persecution down to the middle of the sixteenth century, including not a little which has never before seen the light of print. Added to this are two or three special studies, among them a critical list of recorded witch trials from 1240 to 1540. To the critical student the two books of Dr. Hansen outweigh all other literature combined (if one except the chapters of Mr. Lea's *Inquisition*) for the study of the beginnings of this gruesome episode in the history of civilization.

G. L. B.

Peter Abélard. By Joseph McCabe. (New York and London, G. P. Putnam's Sons, 1901, pp. ix, 401.) While this work does not claim to present any distinctively new material there is nevertheless sufficient reason for its appearance. For aside from such incidental treatment as Abélard has received in works like those of Morison or Rashdall, or of brief sketches such as that of Poole, English readers have had little recent literature upon the subject; and there has been no monograph of any length embracing Abélard's whole history and discussing the recent theories of his action at the Synod of Sens. The present work, like that of Hausrath, deals mainly with Abélard's life, and gives only incidental treatment to his philosophy and theology. It is written for the general public rather than for the historian. The original sources and the French and German "lives" have been utilized in its preparation, but the method of presentation does not afford facilities for verifying or controlling the witnesses that are cited. Considered as a book for the

general public the work has much to commend it. The narrative is well constructed; the style is clear; the interest is well maintained; the author aims to be fair both to Abélard and to his opponents, although his sympathy is evidently more with the former than with the latter. In the story of Abélard's relations to Héloïse, the author defends Abélard from the accusations of profligacy but does not attempt to excuse the frequent instances of weakness and selfishness. Deutsch's explanation of the appeal to Rome at the Synod of Sens is adopted, viz., that Abélard had become aware of the informal conference of the bishops on the preceding Sunday, at which they had already determined on a sentence of condemnation. Probably the least satisfactory portion of the book is the statement as to Abélard's philosophical theories. The doctrines of realism and nominalism need to be stated in their relation to the whole theological, ecclesiastical and political atmosphere of the Middle Ages, if their real significance is to be appreciated. When so stated, they appear as important as, let us say, the doctrine of nationalism versus state rights to our fathers, or of independency versus episcopacy to the Puritans.

JAMES H. TUFTS.

Chivalry. By F. Warre Cornish, M.A. [Social England Series.] (London, Swan Sonnenschein and Co.; New York, Macmillan, 1901, pp. 369.) The idea of the editor of this series, as stated in the preface, is certainly sound, and his statement of it convincing: "To leave out nine-tenths of the national life and then call the rest a history of the nation is misleading . . . Treated in this manner history has no pretensions to be a science; it becomes a ponderous chronicle." But the wide survey, which gives each part of human activity its proper setting, limits the treatment of each theme so that the separate monographs are in danger of becoming mere colorless and lifeless compendiums. While it would be quite unjust to characterize Mr. Cornish's *Chivalry* as a work of this order, it must be admitted that fewer references to isolated incidents, along with more attention to grace of style, would make the work more acceptable, and none the less valuable.

Mr. Cornish's description of chivalry does not claim to contain any new contributions to history, and he seems conscious of the lack of interest that one may feel in "gleanings" in a field that has already yielded its harvest. One might expect, however, in a book that has to dispute the ground with Gautier's picturesque description, a little more sympathetic insight into the actuality of feudal life. The analysis is all, or nearly all, from the outside, and what is gained in clearness is lost in intensity. Little touches, like the reference to the "Drums of the Fore and Aft" (p. 90), show that the author himself has caught the spirit of the time, but the necessity to state all the facts of the case in a given number of pages, has prevented him from conveying it to the reader as much as one would wish.

However, the field has been conscientiously covered and there are few even of the details of feudal practices which are not explained in this

book. There are chapters on the education of the knight, on the tournaments, the crusades, and heraldry. The literature of chivalry is analysed and the dominant sentiments brought out. Medieval warfare is described with very evident obligations to Oman's *Art of War*, though throughout the whole book contemporaneous sources are freely used. The subject is not English chivalry but chivalry in general. Indeed English chivalry, as a late importation, is given almost secondary consideration. It is perhaps the greatest merit of the book that it has not limited itself to a single phase, or to a narrow field. The place of the tournament becomes clearer when linked to the pyrrhic dance, and compared with the horse racing of the modern gentry. The chapter on heraldry has especially gained by the historic treatment, and will be found a good introduction to that somewhat abused science. Altogether the book may be found thoroughly acceptable as a text-book, on account of its arrangement and scope. For this purpose—in fact for any purpose—a good index is almost indispensable. If this were added, its value would be considerably increased. The illustrations, of which there are about twenty, are fine copies of medieval drawings.

J. T. SHOTWELL.

Domesday and Feudal Statistics by A. H. Inman collects together in its tables and statistical parts much desirable information relating to the population and classes of Domesday England, to the feudal services of the following time, and to the agricultural arrangements of the feudal age, but the extraordinary obscurity and confusion of the treatment in many places, the peculiarities and even absurdities of the style, and the constant obtrusion of the author's prejudices upon the reader greatly mar the usefulness of the book. The use of italics to express the writer's emotion, and the intemperate display of personal dislikes we are accustomed to expect in the familiar correspondence of the school-girl, but hardly in a record of the results of scholarly work.

Anselm and His Work. By Rev. A. C. Welch. [The World's Epoch Makers.] (New York, Charles Scribner's Sons, 1901, pp. xiv, 251.) A sympathetic and scholarly presentation of the life and times of one of England's greatest ecclesiastics. The preface gives a critical survey of the literature including the chief sources. The introduction is a fine piece of work showing at the outset the clear and finished style, keen psychological analysis and wide historical comprehension which characterize the book throughout. Gems of thought and of criticism sparkle in every chapter.

The three great movements of the eleventh century, monasticism, papacy, with the relations of Church and State, and scholasticism, are exceedingly well treated. "St. Anselm as monk at Le Bec, as Archbishop of Canterbury and as author of the *Monologion* and *Cur Deus Homo*, bore his part in this threefold movement—and in no one man of the time is it possible to study its movement more purely than in him."

Sincere, unaffected, earnest and devout, he is at the same time bold and scholarly. Very well told is the romantic story of the founding of the Benedictine monastery of Le Bec in which Anselm professed as monk, taught as prior and ruled as abbot. His place in intellectual life and the justification of his position among "The World's Epoch Makers," are well expressed in the following passage: "Before Anselm's day, theologians were content to quote, and a citation from St. Augustine was sufficient to decide a question; after his day, they began anew to think for themselves."

The close association of the religious and intellectual spirit is one of the charms of his personality. His motto, "*Credo ut intelligam*," showed the higher reaches of his soul. His biographer does not seem to do justice to the famous ontological argument for the being of God, but in his criticism of Anselm's theory of atonement in the *Cur Deus Homo*, we have a remarkably fine piece of theological criticism.

There is a slight error in the account of Anselm's elevation to the archbishopric. The term "heriot," instead of "relief" is used of "the payment made to the King by a bishop on receiving his appointment."

The changed relations of Church and State, resulting from the Norman Conquest, brought about the famous investiture controversy in which Anselm was the central figure and of which we are given a most scholarly account. It is interesting to note that this great controversy affecting the relations of Church and State throughout all Europe was settled by Henry I. and Anselm in England in 1107, sixteen years before it was settled on the continent, and in practically the same way. Here "the character of Anselm had won the entire respect of the King, and had summoned into evidence all the best elements in his nature." But Anselm did not long enjoy his reward. He died in 1109. The book closes with an eloquent account of his beautiful departure from this life, and a fine estimate of his noble character and influence.

CHARLES L. WELLS.

Under the title *Renaissance Types* (New York, Longmans, 1901) Mr. W. S. Lilly has put together five essays on notable persons of the full Renaissance period, prefacing them with an introductory chapter on the "Genesis of the Renaissance" and adding a brief conclusion on the "Results of the Renaissance." The persons selected are Michael Angelo, the Artist; Erasmus, the Man of Letters; Luther, the Revolutionist; More, the Saint; Reuchlin, the Savant. There is an obvious attempt to make the reader feel that there is some unity of thought and purpose in the book, but it is difficult to see wherein this unity consists. The several essays are complete, each in itself. The style employed is that of the leader writer in journals of the superior sort. The author very frankly tells us the books he has read, all of them books of secondary value to the historian, and his sketches follow very closely in the lines of his reading. The essay on Reuchlin is obviously little more than a paraphrase of Geiger's biography, with the kind of padding which an

ingenious college student might employ in preparing a class "thesis." In each case we have, compressed into the narrow limits of an essay, an attempt at a biography, an analysis of the chief products of the genius in question, and some consideration of his place in the whole framework of the period. This is too much and too little. The effect is sketchy in the extreme, too broad for the scholar, too detailed for the general reader. The volume must be classed with the great mass of literature, concerning which we wonder why valuable time and expensive furnishing should have been devoted to so meager results.

Time Table of Modern History, A.D. 400-1870, compiled and arranged by M. Morrison (Westminster, Archibald Constable and Co.; New York, The Macmillan Co., pp. 159), is printed on strong, heavy paper, has pages about twelve inches high and fourteen wide, and contains parallel tables, genealogical tables, lists of rulers, a general chart of ancient and modern history, an index, and seven plates of maps. It is difficult to see just where this book can fit in for any general use on this side of the Atlantic. It is too inconvenient and expensive (\$3.50) to appeal to our average student; Ploetz or Hassall is likely to prove a more acceptable chronological guide to most persons; the genealogies and tables of monarchs are becoming more accessible in the usual textbooks; the maps are inadequate; and the general chart, which compresses seventy centuries within a space about fifteen by twenty-two inches, surely cannot be of real advantage to any one. Nevertheless your reviewer recognizes that there are those who like tools of this sort. He does not feel that he knows any such persons among serious students of history, but he is willing to say that wherever they are they ought to know about Morrison's *Time Table*. E. W. D.

Oliver Cromwell. By Samuel Rawson Gardiner, M.A. (London, New York and Bombay, Longmans, Green and Co., 1901, pp. 319.) This brief biography appeared first in 1899 in the "Illustrated Series of Historical Volumes" published by Messrs. Goupil. It merited however a wider circulation than was possible in such an expensive edition and the text has been revised and reissued in a cheaper form without the illustrations. It is, I am inclined to believe, the most attractive of Mr. Gardiner's short works. It is different in scope from Mr. Firth's excellent volume on *Oliver Cromwell and the Rule of the Puritans in England* inasmuch as its manner of presentation, as one might gather from the titles, is more strictly biographical. Cromwell is the center of interest in every page and the author allows himself no digressions, yet it contains the main results of his investigations in so far as they bear directly upon Cromwell's career and character. It is a great advantage even for those who are familiar with these results to have them presented consecutively within so short a compass. It is however not a mere abridgment of the larger history. It is the same story told afresh with all the author's inexhaustible learning and felicity of expression,

though with the greatest possible brevity. Those who cannot find time to read all of the History will probably find this the best substitute. When Mr. Gardiner's views could be obtained only after the perusal of seventeen volumes, there was a weak excuse for those who ventured into the field in ignorance of them. Henceforth this will be unpardonable, as in truth it was before.

The frontispiece is a good reproduction of Cromwell's well-known portrait at Sidney Sussex College, Cambridge. The volume is attractively printed, but it has neither bibliography nor index. G. J.

Cavalier and Puritan in the Days of the Stuarts. By Lady Newdigate-Newdegate. (New York, Longmans, Green and Co., 1901, pp. xv, 367.) The author of *The Cheverels of Cheverel Manor*, has given us in this new volume, as her title-page declares, a book compiled from the private papers of Sir Richard Newdigate, second baronet, with extracts from MS. news-letters addressed to him between 1675 and 1689. The second baronet came above the political horizon but once, serving briefly as M.P. for Warwickshire under William III., and these pages contain, in consequence, little of importance to the student of Restoration or Revolution politics. There is, besides, no elaborate attempt made to portray the daily life and opinions of the baronet. Sir Richard's public life was brief, he was seldom if ever at court, he was not often in London. The chief event recorded in the account of his life and affairs is the amusing diary of his tour in France—to Paris and back. Yet for all that this is a pleasant and readable book not without entertainment and instruction. For by indirection Lady Newdigate has given us an admirable impression of the country baronet and his life and has shown us how little of the great strife between Crown and Parliament moved the country, how faint its echoes were even in the family of one whose house was searched for arms, and whose principles led many to suspect his loyalty. There are some letters from greater figures in the period but they are almost entirely personal. For the rest the news-letters supply an account of the times colored according to the political complexion of Sir Richard himself, and furnishing a thread of connection throughout the book.

In a monograph entitled *The Fallen Stuarts* [the Prince Consort Dissertation for 1900] (Cambridge, University Press, 1901), Mr. F. W. Head has added another to that brilliant series of historical essays for which Cambridge has in recent years been distinguished. In this book Mr. Head traces in outline the political fortunes of the House of Stuart between the years 1660 and 1748. This outline in its critical analyses and epigrammatic generalizations reminds one forcibly of the work of the founder of the Cambridge school of history, the author of the *Growth of British Policy*. Mr. Head also presents new evidence relating to the history of the Stuarts between the years 1700 and 1718. This he found in the papers of Cardinal Gualterio, papal nuncio at Paris during the first years of the eighteenth century, and afterwards protector for England at the papal court.

In the dispute over the Spanish succession Pope Clement had recognized the Bourbon, Philip of Anjou, as King of Spain, and on the 19th of December, 1702, a treaty between the three powers, France, Spain and the papacy was drawn up providing for the defense of the church. At the same time James Stuart was recognized as James III. of England, and plans were drawn up for the invasion of England either by a direct descent upon the English coast or by way of Scotland, as might seem most expedient. In the former case they were to be realized by armed force, in the latter, by the bribery of the Scotch Parliament.

After the battle of Blenheim, however, Louis had to concentrate his forces on defense; so the first plan became impracticable. And in 1707 the union of England and Scotland made the alternative plan equally impracticable. At the same time the rise of Jansenism in France and the growing influence of the Emperor in Italy, culminating in the treaty of 1709 between Pope and Emperor, led to the failure of Jacobite hopes of assistance from the papacy.

Finally, in April, 1713, by the Treaty of Utrecht Louis undertook to expel James from France; in August, 1714, George I., the ally and friend of the Emperor, ascended the throne of England, and in September, 1715, Louis XIV., the hereditary ally of the Stuarts died. These changes in the political situation made it necessary for James to seek new allies. But here, too, he was foiled; first in seeking an alliance with Catholic Germany through marriage with the daughter of Charles Philip, Prince of Neuburg; then in concluding a union with the House of Bavaria, the rival of the House of Hapsburg, and with the rising power of Russia through marriage with the Princess Clementina Sobieski.

These are points that are here set forth, either for the first time, or with fresh evidence.

W. D. J.

Fénelon, his Friends and his Enemies. By E. K. Sanders. (London and New York, Longmans, Green and Co., 1901, pp. 426.) As its title indicates, the work is not a biography of Fénelon. It contains a sketch of his career, and a detailed account of the religious controversies in which he took part. Considerable space is devoted to the characters of the Duke of Burgundy, of Madame de Maintenon and of others with whom Fénelon had to do. The book does not profess to give any new information as to Fénelon's career, there are few notes and those refer to no authorities more recondite than the correspondence of Fénelon and the *Memoirs* of Saint-Simon. We doubt, also, whether the author is especially familiar with the history of that period. For example, he says (p. 9) that Fénelon was born in 1651 when the wonderful reign of Louis XIV. was at its zenith. In 1651 Louis XIV. was a boy, the troubles of the Fronde were at their height, Mazarin was in exile, the power of the King was at a lower ebb than at any other period of his reign. The accounts of the religious controversies of the period are involved and unnecessarily long. Any interest which they once had is gone, importance they never possessed, and they can now be profitably treated with all possible brevity.

The best part of this book is the account of Fénelon's career as Archbishop of Cambrai, of his relations with his diocese, his correspondence with intimate friends, and with the many women who looked to him for spiritual enlightenment. Mr. Sanders treats the Archbishop with fairness and justice. He does not conceal the defects of a character which combined extraordinary elevation with many frailties. The ordinary reader would have been pleased to know more of Fénelon's life in his diocese, and would gladly have accepted less detail concerning his animosity toward the Jansenists, his controversies with Bossuet, and the interminable controversy over quietism.

In his own day Fénelon was thought to have failed in his career, because there fell upon him the shadow of the great King's displeasure; he spent twenty years at Cambrai with the gates of the Paradise at Versailles strictly closed against him. But for his reputation with posterity, his disgrace was great gain. It removed him from the devious paths of politics in which even he walked with difficulty. It enabled him to do valuable work in the diocese where his life was of necessity spent, and to leave a reputation which far excels that of his rival Bossuet. There was indeed the possibility that Fénelon might have exerted a great influence on the French monarchy if the Duke of Burgundy had survived his grandfather and become King of France, but it is by no means sure that such an opportunity would have increased Fénelon's usefulness or added to his permanent fame.

JAMES BRECK PERKINS.

The publication of a new and enlarged edition of *Italian Characters in the Epoch of Unification*, by Countess Evelyn Martinengo Cesaresco (New York, Charles Scribner's Sons; London, Unwin), deserves mention here. The author, who is the English wife of a Lombard noble, was most fortunately placed for getting an intimate acquaintance with the lives of several of her subjects. As a biographer, she has rare skill. The persons she describes are Sigismondo Castromediano, Bettino Ricasoli, Luigi Settembrini, Giuseppe Martinengo, Daniele Manin, the Poerios, Constance d'Azeglio, Goffredo Mameli, Ugo Bassi, Nino Bixio, and the Cairolis. The list embraces men from all parts of the peninsula, of different classes, and widely differing forms of service to the national cause. As a secondary source of information for the historical student, Countess Cesaresco's volume has high value; the general reader will find it unfaillingly interesting. The sketch of Castromediano is new.

W. R. T.

Mr. Thwaites's edition of the *Jesuit Relations* is now concluded by the publication of the index, which adds to the series Vols. LXXII and LXXIII. Regarding the need, in such a case, of a thoroughly good index, little need be said. We shall rest content with stating that one has been provided. Of course, this means great labor and the avoidance of commonplace shortcomings. The three vices of index-makers are lack of general intelligence, lack of system, and unscrupulous haste. Fortu-

nately, Mr. Thwaites and his staff shine where others sin. We have never seen better work of the kind; seldom have we seen anything so good. Certainly we have never seen an index which equals this one if grandeur of scale be considered together with excellence of results. The last four volumes of Migne's *Patrologiæ Cursus Completus* deal with an even wider field and with a more difficult problem, but they are far less perfect as an analysis of contents. It is no boast to say that this country has a better grasp of library methods than can be found elsewhere, and the present index bears witness to the value of classification as it is worked out by modern librarians. The dictionary system has been followed throughout and in the arrangement of details Mr. C. A. Cutter's *Rules for a Dictionary Catalogue* is made the guide. To describe the elaborate subdivision which occurs under important headings like "Indians," "Canada," "Jesuits," and "Quebec," would be to write a separate article on a single aspect of the series. According to proverb, "the end crowns the work." The set of the *Jesuit Relations* is crowned not only by the end but by the index.

The handsome folio volume entitled *History of the United States Capitol*, Vol. I., by Glen Brown (Washington, Government Printing Office, 1900) deserves a word of appreciation here, even though in general it will appeal to the architect and the engineer rather than the historian. In addition to a short and appropriate introduction by Charles Moore, it contains twelve chapters; the first dealing with the selection of sites for Federal buildings; the second with the designs for the capitol. The following chapters treat of the work of the successive architects and builders, and describe very briefly the decorations of the building which, as Rufus Choate declared, is the only temple America has built. One chapter is rightly given to the history of the architects of the old capitol. The book is illustrated by 136 plates, maps and pictures, all beautifully executed, showing the gradual development and the various changes of the structure. "Only original documents," says the author in his preface, "have been used in the preparation of the work, and old drawings have been reproduced as they exist to-day without any effort being made to work them over so as to produce more pleasing results." He has been for ten years engaged in the task of collecting material for this work and deserves the highest commendation for his unwearied toil in collecting the scattered documents, many of which without his efforts would soon have disappeared beyond recall, and for the highly intelligent manner in which he has carried out his undertaking. The second volume bringing the history down from 1857 to the present time is expected to appear soon.

The Foundations of American Foreign Policy, with a working Bibliography. By Albert Bushnell Hart. (New York, The Macmillan Co., 1901, pp. xi, 307.) This book is a reproduction with some revision of articles which had already appeared in magazines and reviews and had attracted public attention. We are glad to see them collected in a volume,

for they present to us in a terse form and in a vigorous and sprightly style chapters in our history to which the events of the last three years have lent especial interest.

In these days when so many who are unfamiliar with the details of our history are endeavoring to persuade us that our nation has led a life of isolation and that it should never abandon such a life, it is well to have so competent an historical scholar as Professor Hart point out how often we have touched European and Asiatic life, and how our influence has been felt in all the Spanish-American states. Our various boundary controversies, our numerous military expeditions into foreign parts, the complications about Cuba for a century, our acquisition of Florida, of our trans-Mississippi empire and of Alaska are described with a conciseness and clearness which are admirable. The author has a remarkable power of setting forth the salient and controlling events of a crowded era, while omitting the lesser details. Thus with brevity he gives the reader a vivid and rational idea of the period under consideration.

In the fifth chapter he gives such a definition of the word "colony" that he regards himself as justified by it in treating our territories as colonies. This will probably be regarded by many as a forced use of the term. None the less, his review of our solution of territorial problems is illuminating. Especially is his rehearsal of the facts of the Louisiana Purchase and of the organization of the territory suggestive to those who insist that to annex and govern territory "without the consent of the governed" is in flat contradiction of American principles and policy. The arguments advanced in Congress against the annexation of Louisiana sound like a rehearsal for the arguments by which the annexation of the Philippines has been opposed. The chapter, which traces the evolution of the present form of the Monroe Doctrine from its beginning in 1823, closes with a reasonable statement of the interpretation of it which will safeguard our interests on this continent. The final chapter, giving a tentative bibliography of American diplomacy, will be very helpful to students of that subject in the thorough handling of which so much remains to be done.

JAMES B. ANGELL.

Mr. Louis Houck *The Boundaries of the Louisiana Purchase, A Historical Study* (St. Louis, Phillip Roeder's Book Store, 1901, pp. 97), is the champion of Louisiana "with the same extent that it now (1800) has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." This extent he finds to be included within the line of the Mississippi from its source to the 31st parallel; this parallel to the Apalachicola; the Apalachicola to the Gulf (p. 18); the Gulf, including Texas with indefinite southwestern boundaries (p. 31); the "Mexican Mountains" to the 42nd parallel (p. 42); this parallel to the Pacific (p. 84); the Pacific to the 49th parallel, this parallel to its intersection with the line drawn from the Lake of the Woods to the source of the Mississippi, and this line down to the said source (pp. 37, 88).

The book is not an independent contribution to the subject of the Louisiana Purchase boundaries. It is rather a brief based on the best primary and secondary authorities in behalf of the maximum extension of these boundaries. The occasion of the publication is the approaching celebration of the centenary of the purchase; and its purpose is to magnify and idealize that event. Jefferson acquired from France boundary disputes with Spain, England and Mexico—happily settled to our advantage—a great extent of territory, and vast possibilities of national grandeur.

F. W. M.

The *Souvenirs du Général Comte Fleury*, tome II., 1859–1867 (Paris, Plon, Nourrit et Cie., 1898, pp. 393) is, to no small extent, the special plea of a close friend and firm adherent of Napoleon III., written with the avowed object of correcting what impresses an ardent Imperialist as the numerous mistakes of historians. Bearing in mind the personal element, as well as the author's dynastic prejudices, the discriminating reader will find in this volume much of interest, and not a little of historical worth; for General Fleury occupied a sufficiently prominent position to give value to his memoirs. The largest and most important single part consists of the chapters devoted to Italian affairs.

Imbert de Saint-Amand in his *Napoleon III. at the Height of his Power* (New York, Scribner, 1900, pp. 305) deals with but a single year of the Second Empire, 1860; a large number of subjects pass in review, and the trivial seem to occupy as much space as the important, in short chapters of quite uniform length, six to eight pages each. The book is attractive reading and affords a pleasing change from more substantial histories, but at best it is hardly more than high-grade journalism. The last five chapters incline one to the view that, however it may be in other parts of the world, in China history repeats itself, since the account of Chinese affairs in 1860 would need but slight modification to serve as a description of the occurrences of forty years later.

It is not an easy matter to characterize properly Mr. Robert H. Browne's *Abraham Lincoln and the Men of His Time* (Cincinnati, Jennings and Pye; New York, Eaton and Mains, 1901). A plain presentation of the merits of the work would appear injudicious and too drastic to be true. The two volumes contain over 1200 pages, a considerable portion of which is given over to startling declamation, and the remainder to a narrative, not too accurate or well arranged, of the historical events during the years of Lincoln's activity. Mr. Browne seems to have known Lincoln personally, and it may be that some of the anecdotes which are gathered into the volumes are of value. Some notion of the method may be gained from his picturesque and alliterative denunciation of the court that gave forth the Dred Scott decision as a "sleepy and slavery smitten council of Constitutional relics." A book which begins with chapters filled with florid paragraphs descriptive of the virtues and vices of all the heroes of humanity from Moses down to the last "Savior of America" cannot be taken too seriously.

American History Told by Contemporaries, Vol. IV., *Welding of the Nation, 1845-1900*. (New York, Macmillan, 1901, pp. xxi, 732.) With this fourth volume Professor Hart completes his well-planned and exceedingly useful series. More than two hundred good pieces are embraced in the volume. They come from official documents and speeches, from correspondence and reminiscences, from travellers and observers and critics, from satirists and poets. There are more extracts from official documents than in the previous volumes, and these have evidently presented serious difficulties because of the diffuseness of American official writing; but these difficulties have been well overcome, and it is right to assume that the pupils who will use the series will have a stronger digestion for public documents by the time they have reached in their studies this later period. Neither has the inclusion of such material kept the editor from a due representation of the livelier illustrations of history, at least for the period before 1869. Hardly anything could in fact be better than Dr. Hart's array of extracts for the period from the secession of South Carolina to the inauguration of Grant. Almost exactly half the book is given to these years. They are illustrated by arguments, portions of diplomatic correspondence, military reports, the narratives of individual commanders, soldiers and chaplains, vivid descriptions of the social effects of war, letters of foreign and American newspaper correspondents, bits of satire, poems and songs. It must be a rare teacher of history, to say nothing of students, who does not learn useful things from this part of the book.

All this, it must be confessed, is won somewhat at the expense of the ensuing period. The events and arguments, and even the speculations, of the last three years, are indeed duly recorded. But the quarter-century from 1873 to 1898 receives but scanty illustration, and that for the most part in purely political respects. Yet these twenty-five years were of vast importance in our social history. The immigration of ten million Europeans within those years, the agricultural occupation of land represented by a hundred and forty millions of acres of homestead entries, the outcroppings of social discontent, the gangrene of our city governments, the wonderful advance of education—all these are of more consequence than many conspicuous events at Washington and elsewhere. Mr. Hart has shown himself fully alive to the importance of such movements in earlier times. And they can be illustrated, though not with the same ease and completeness as the social movements of a hundred years ago; for instance, by some Castle Garden scene, some description of the rush to Oklahoma or of less spectacular agrarian developments, some exposition of populism, of the Chicago riots, or Tweed's Saturnalia.

But in all books of selections it is easy to make suggestions, and hard to satisfy everybody; and the fact remains that Professor Hart's series is admirably devised and exceedingly well carried out. It is difficult to exaggerate the good these four volumes are destined to do, especially in schools, by making American history more vivid and more interesting, and by familiarizing the pupil with other points of view than that of his text-book.

J. F. J.

Reminiscences of a Mississippian in Peace and War. By Frank A. Montgomery. (Cincinnati, Robert Clarke Co., 1901, pp. xvi, 305.) This work consists chiefly of the personal recollections of a Mississippi planter to whom age has brought leisure and inclination to write. The author served through the Civil War as lieutenant-colonel of the first Mississippi cavalry, was captured at Selma in April, 1865, subsequently served a number of terms as a member of the state legislature, and more recently occupied a place on the bench. He disclaims any purpose of attempting to write a history of Mississippi or of the Civil War, but says his aim is the more modest one of recording the military operations of his regiment which, as a part of Armstrong's Brigade, saw active service in Mississippi, Alabama, Georgia, and Tennessee. Every man of the regiment was either killed, wounded, or captured; and Colonel Montgomery's ambition has been "to narrate their deeds in the belief that the story will be of some value to the future historian of the war." His undertaking is commendable and seems to have been executed carefully and impartially.

Preliminary to the discussion of his main theme, Mr. Montgomery gives some interesting pictures of Southern life before the war, among which may be mentioned modes of travel in the country, old-fashioned barbecues, the custom of settling personal grievances on the field of honor, militia drills, shooting matches, camp-meetings, trade with the Indians, etc. There are also some portraits of prominent men drawn chiefly from personal acquaintance, for during his long life, the author has known most of those in Mississippi whose names are remembered by the general student of American history. He remembers having heard Prentiss in two of his best orations and that he listened to some of the debates between Davis and Foote in the great union contest of 1851. Candor compels him to say that he thought Foote the superior man. General Forrest he knew well. Mr. Montgomery says of him: "Without a uniform, and this did not much change him, he looked like an old country farmer. His manner was mild, his speech rather low and slow, but let him once be aroused and the whole man changed. His wrath was terrible and few if any dared to brave it." The story is not entirely free from criticism of confederate policies. He thinks the appointment of Pemberton to the command of Vicksburg an unpardonable blunder, and concerning the policy of deluging the army with higher officers, he says somewhat sarcastically: "It seemed to me as our army grew smaller and companies and regiments were from time to time consolidated, the crop of brigadiers increased and the same may be said of all the generals. We had enough, I think, when the war ended to supply an army five times as large as ours was." The author relates some extraordinary local incidents of the Reconstruction period which could, perhaps, be duplicated in a good many other counties of the state.

JAMES WILFORD GARNER.

A new and revised edition of Samuel Adams Drake's *A Book of New England Legends and Folk Lore* has been published (Boston, Little,

Brown and Co., 1901, pp. xvi, 477). It contains nearly a hundred tales, poems, legends and traditions which have grown up in New England and have grown out of New England life. Some of them are familiar to the sober student of history; others without basis in fact may have quite as much importance as reality. Perhaps what men talk about or believe is quite as important as what actually occurred. The volume is likely to prove helpful to teachers of secondary classes in American literature and history. The illustrations will add to its usefulness in this particular.

Early History of Vermont. By Lafayette Wilbur. (Jerico, Vermont, Roscoe Printing House, 1900, two vols., pp. 362, 407.) The *raison d'être* of this work is told by the author as being the expansion of an address, but to the critic it appears as an attack of *cacoëthes scribendi*, which Mr. Wilbur could not resist, for he tells us nothing new; what he has to report is badly arranged and badly written; nor does it seem good taste to add as one of the chapters so-called humorous sayings, clipped from newspapers and classified in the table of contents as "Wit and Humour," or to close both volumes with lists of state officials down to the year of publication, when the title of the book calls it an early history.

B. FERNOW.

The Story of Manhattan. By Charles Hemstreet. (New York, Charles Scribner's Sons, 1901, pp. xvi, 249.) The island of Manhattan and the events which have made it in three hundred years the chief part of one of the greatest of cities afford wide scope for attractive story. This volume presents the well-known facts in a style simple to quaintness. The author starts with the coming of Henry Hudson from Holland in the "Half Moon," and ends with the establishment of Greater New York. He adopts the unusual method of citing few dates in the text, but he attaches them to the chapters covering the respective incidents and adds a table of events. The actual story occupies less than two hundred pages duodecimo, and is sketched in rapid outline. Except those of the early governors, very few names are introduced, although Manhattan has always been noted for persons of rare qualities and high achievements. Thus not one of the "fiery Sons of Liberty" is named, while the truth is told that their fight with British soldiers in January, 1770, on Golden Hill, was "the first real battle of the American Revolution." The author's estimates of the Dutch governors do not err on the side of excessive praise. A kindlier spirit is shown towards several of the English governors, beginning with Nicolls, concerning whom the story is that "all the citizens said the new Governor was a fine man." The greed for land and fees on the part of others is not forgotten. Leisler, a brave, patriotic governor, not always wise, executed in partizan rage for alleged treason, and before many years declared innocent, is fairly treated. The sketch of New York as the national capital is well drawn in brief space. The definite location of the sites of historic events is to be commended. One-fifth of the pages

is devoted to illustrations, many interesting because copied from old prints and wood engravings.

ELLIS H. ROBERTS.

The *History of the Central High School of Philadelphia* by Franklin Spencer Edmonds (Philadelphia, Lippincott, 1902) is, naturally, of interest chiefly to students and alumni of the school, but it has also its significance and value as a study in educational and social history. It contains a short sketch of the development of public education in Pennsylvania, tells the story of the establishment of the high school, sketches the life and characters of those who have been most useful in its service and traces the steps in the progress of the school from its establishment in 1836 to the present day. The book is well and, one would say from appearances, accurately written, bearing the marks not only of careful work but of the exercise of judgment and discretion in the use of material. Such studies as this enable the writer of history to reach a juster estimate of municipal progress than he could attain by confining his attention to the jobbery of councilmen and the devious ways of the spoilsmen.

Number 10 of Series XIX. of the Johns Hopkins Studies in Historical and Political Science (Baltimore, Johns Hopkins Press, 1901, pp. 57) is devoted to a *Life of Commissary James Blair, Founder of William and Mary College*, by Daniel Esten Motley. The author, who has evidently exploited faithfully the sources on his subject, has done a useful work in bringing together information hitherto scattered and in part difficult of access. The form of presentation, however, leaves much to be desired; unity is sacrificed by his method of treating under three separate heads: "Blair's Religious Work; Blair as the Founder of William and Mary College; Blair's Connection with the Government." The style is unformed and jejune.

A. L. C.

The Transition Period of California from a Province of Mexico in 1846 to a State in the American Union in 1850. By Samuel H. Willey, D.D. (San Francisco, Whitaker and Ray Co., 1901, p. 159.) The author of this small volume resided at Monterey, California, in 1849, when it was the capital of the territory and the headquarters of the United States army. Hence, he was brought into contact with the stirring events relating to the conquest of California and its admission as a state, and his interest in these early scenes caused him to collect material for the present volume. The book recites the incidents relative to one of the greatest history-making events connected with the expansion of the boundary of the United States, an event second only in importance to the Louisiana Purchase, which, without prompt action on the part of the United States and the special activity of its officers and agents, might have taken a decidedly different turn. Dr. Willey has given us a condensed statement of the facts incident to the establishment of United States rule in California and the subsequent admission of the state into the Union. He relates carefully and accurately the operations of Fremont and Kearney and of Commodores Stockton and Sloat. He des-

cribes the conquest of the territory, the constitutional convention, the admission of the state, and gives many minor details of California history. The boundary question and the discussion in Congress over the admission of California receive a fair share of attention from the author.

One of the chief merits of the book is the clear exposition of the various movements for the possession of the territory. It is difficult to see how the history of these four eventful years could have been more clearly or fairly presented. Dr. Willey shows quite conclusively that Fremont exceeded his orders in the Bear Flag movement, and that he and Commodore Stockton both assumed unusual prerogatives in the conquest of the territory. It is also shown that the Bear Flag movement was not essential to the conquest of the country. While this is a correct version of history, it appears to the reviewer that the critic or the government should not have been too severe on these two commanders, for had not the government's plan for stealing the country in an orderly way succeeded, without doubt the United States would have been glad that the officers exceeded their orders and took possession of the country. The possession of Texas, the Mexican War and the seizure of California will not bear the closest scrutiny from one who is seeking justice between nations. The difficulty with Fremont and Stockton seems to have been that they moved too rapidly and too injudiciously to keep pace with the general plan of the government to deprive Mexico of her possessions. It is right for a nation to take possession of half a continent, if it can be done properly and in order; but let the individual beware how he attempts it single-handed, even though he does it for his beloved country. At least where it takes five months for the government to communicate with an officer in the field he should be given large discretionary powers.

The division of the book into numerous short paragraphs gives it a statistical appearance and renders it less attractive than it would have been had the author been more careful of his style. There is however unmistakable accuracy in the categorical statements and the clearness is noteworthy.

F. W. BLACKMAR.

Views of an Ex-President is the title given to a collection of essays and addresses by Benjamin Harrison (Indianapolis, The Bowen-Merrill Co., 1901, p. 527). The book seems to answer satisfactorily the question as to what should be done with our Ex-Presidents, the question which Mr. Harrison more than once discusses himself, half ironically, in the course of the volume. We should have difficulty in devising a better occupation for the time of a statesman who has retired from active participation in affairs than preparation of papers like these, all of them dignified and thoughtful, some of them showing scholarship at least in the domain of politics and law, others again bold statements of principle on current questions of vital interest. The first six papers, lectures delivered at Stanford University, are in the field of constitutional history. The seventh is called "The Status of Annexed Territory and of its Free Civilized Inhabitants," an address given at the University of Michigan, one

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of the most noteworthy treatments that vexed subject has received, perhaps the most cogent presentation of the anti-imperialistic policy. The "Musings on Current Topics" which were published in the *North American Review*, are also here given, as well as the address entitled "Some Hindrances to Law Reforms." If we cannot review these latter papers as contributions to history, we may assert that they will be of great value to the historical student of the next generation, and that the frank, high-minded discussion of present problems is a fitting bequest from an Ex-President to his fellow-citizens.

The Government of the American People, by Frank Strong and Joseph Schafer (Boston and New York, Houghton, Mifflin and Co., 1901, pp. viii, 250) is an elementary text-book on civil government, laying special stress on the historical aspects of institutions, and intended primarily for the higher classes of grammar schools. There is need for a book of this kind, and the authors have written one which should be of service. Local and national governments are well treated, in the space available; and the chapters on county government in Oregon and town government in Wisconsin adapt the book particularly for use in those states. County government under the New York and Michigan supervisor system is, however, but slightly mentioned. On the other hand, the treatment of state government is emphatically inadequate. This division of the subject is covered in 28 pages; while more than half of these are on the colonial period, and half of the remainder on the Virginia constitution of 1776, leaving but 5 pages for describing existing arrangements. Only the barest outline of state organization is given, and absolutely nothing is said of the powers and importance of the state governments.

The authors have made good use of recent and reliable secondary authorities; and the details are generally satisfactory. Some phrases are, however, liable to mislead, and a few statements are clearly inaccurate—for example: "the island of Britain, now England" (p. 8); the Supreme Court is said to be a necessary accompaniment of a written constitution "to determine whether the acts of ordinary legislation . . . conform to it" (p. 164); the Philadelphia charter of 1701 is said to be the first.

JOHN A. FAIRLIE.

India Old and New by E. Washburn Hopkins (New York, Scribner, 1901) is one of the "Yale Bicentennial Publications." It contains a number of essays most of which have been previously published in periodicals. Some of the articles have been enlarged or otherwise modified since their first appearance. They cover a variety of topics, some of them dealing with India of the present day, others with the early history and literature of the Hindus. The two which will be of chiefest interest to the historical student are "Ancient and Modern Hindu Guilds" and "Land Tenure in India."

NOTES AND NEWS

Samuel Rawson Gardiner, the distinguished English historian of the Puritan Revolution, died at London, February 24, at the age of seventy-two. He was educated at Christ Church, Oxford, and became Professor of modern history at King's College, London. His fame was gained by his steady adherence for forty years to the work on his monumental history of England from 1603-1660. The earliest volumes appeared in 1863, the last in 1901, and he was laboring on another at the time of his death. Besides the seventeen volumes in this series he produced a number of other historical works, many of them by-products, such as *Oliver Cromwell*, 1899; *Cromwell's Place in History*, 1897; *What Gunpowder Plot was*, 1897; *The Thirty Years' War*, 1874; *The First Two Stuarts and the Puritan Revolution*, 1876; and in addition a number of text-books on English history, the best known being his widely used *Student's History of England*, in three volumes, 1890-1892. He was joint author with J. B. Mullinger of the *Introduction to the Study of English History*, 1881. Comment upon his career or commendation of his work seems almost superfluous. His writings have given him a place of honor among the world's great historians; they are marked by accuracy in details, by unusual absence of narrowness and prejudice, and by grasp of essential principles. It is not too much to say that he came as near the ideal of modern historical scholarship as any writer of the nineteenth century.

The exceptionally long list of historical scholars that have died in the course of the winter includes some of the best known names of continental Europe. On November 29 and December 6, respectively, occurred the deaths of Gottfried Gengler and Karl von Hegel. Both were professors at Erlangen and both had worked mainly on the history of the towns. To the former we are indebted especially for the beginning of a *Corpus Juris Municipalis Germanici*; unfortunately it was never carried beyond the first volume. Most prominent among Hegel's contributions were the *Geschichte der Städteverfassung von Italien*, constitutional histories of Köln and Mainz, the *Städte und Gilden der germanischen Völker*, and his efficient work as editor in the preparation of the series of *Deutsche Städtechroniken*. Franz Xaver Kraus, theologian, archæologist, essayist, art and church historian, and professor at Freiburg, died at San Remo, December 29. He is known particularly by his *Lehrbuch der Kirchengeschichte*, *Roma Sotteranea*, *Real-Encyclopädie der christlichen Altertümer*, and the "Spektator" letters in the

[The Department of Notes and News is under the general management of Earle W. Dow and Theodore C. Smith.]

Beilage of the Munich *Allgemeine Zeitung*. Also from among the Germans have gone the well-known Sanskrit scholar, and editor of *Indische Studien*, Professor Albrecht Weber, of the University of Berlin; and Professor Paul Scheffer-Boichorst, of the same university, whose work as lecturer, critic and examiner will be remembered by many American students. From Leyden comes announcement of the death of Professor Cornelis Tiele, who has written many books upon the comparative history of religion; and from Florence that of Professor Cesari Paoli, editor of the *Archivio Storico Italiano* and author especially of the *Programma Scolastico di Paleografia Latina e di Diplomatica*.

Benjamin Franklin Stevens, the well-known bibliographer and student of Americana in foreign archives, died March 6, in London. He was born at Barnet, Vermont, in 1833. From 1860 to the time of his death he was associated with his brother, Henry Stevens, in the book trade in London, where he also served for many years as despatch agent for the United States government and purchasing agent for American libraries. His great contribution to American history was through his study of documents relating to the Revolutionary period in English, French and other archives, a work which has been of extraordinary persistency and thoroughness. As a result of his researches twenty-five volumes of facsimiles of such documents were printed, besides a number of volumes of special collections relating to single episodes of military history. He calendared for the English historical manuscripts commission the Dartmouth papers, which contain a great deal of valuable information relating to American history. He was engaged at the time of his death on the papers of Generals Howe, Clinton and Carleton, and a mass of papers relating to loyalists.

James Bradley Thayer, Weld Professor of Law in Harvard University, died February 14, at Cambridge. He was born at Haverhill, Massachusetts, January 15, 1831, and graduated from Harvard College and the Harvard Law School, in the last of which he has been professor since 1873. Mr. Thayer held a leading position among American jurists, especially in the field of constitutional law. His point of view was noticeably historical; while his published works were preëminently legal in character they were also contributions to historical knowledge. His writings include *Origin and Scope of the American Doctrine of Constitutional Law*, 1893, *The Development of Trial by Jury*, 1898, and *A Preliminary Treatise on Evidence at the Common Law*, 1898.

Horace E. Scudder, connected for many years with the firm of Houghton, Mifflin and Company, died January 11, at Cambridge, Massachusetts. Besides editing the *Atlantic Monthly* for a number of years and publishing many juvenile books, he wrote a life of Washington, two school histories of the United States, *Men and Manners in America a Hundred Years Ago*, and edited the "American Commonwealths" series of state histories.

J. W. Dean, who was born March 13, 1815, and died January 22, at

Medford, Massachusetts, was for twenty-seven years the librarian of the New-England Historic Genealogical Society and author of a large number of obituary memoirs of its members.

The death is announced of Sir G. W. Cox, author of a *History of Greece*, *British Rule in India*, *Life of Bishop Colenso*, *The Crusades* (in the Epoch Series), and of numerous other works, especially on mythology.

The Presidency of the University of Maine has been filled by the appointment of George Emory Fellows, recently Assistant Professor of European History in the University of Chicago, and formerly of Indiana University.

Professor H. Morse Stephens, of Cornell University, has accepted the position of Director of University Extension and Professor of History at the University of California.

Professor Charles H. Haskins, of the University of Wisconsin, has accepted a call to a professorship in European history at Harvard, beginning next September.

Professor Ephraim D. Adams, who has held the chair of European History at the University of Kansas, has been appointed to a position at Leland Stanford Jr. University.

Professor Lucy M. Salmon, of Vassar College, will shortly publish *History, Suggestions as to its Study and Teaching* (Macmillan). On February 27, at Chicago, before the National Society for the Scientific Study of Education, she presented a paper on "Some Principles in the Teaching of History," which was the basis of a general discussion on the subject.

The address delivered by Professor J. Franklin Jameson, at the fortieth convocation of the University of Chicago, has been published in the January number of the *University Record* (Vol. VI., No. 40), under the title: "The Influence of Universities upon Historical Writing."

The *Revue de Synthèse Historique* for October contains the first installment of a French translation, by Léon G. Pélissier, of one of the essays in Professor Pasquale Villari's *Scritti Vari* (1894): *L'Histoire est-elle une Science?* In the same general field also is a criticism of Dr. Helmolt's new world history, *Étude Critique sur une Nouvelle Histoire Universelle*, by A. D. Xénopol.

The Regions of the World is the title of a new geographical series, which will consist of twelve volumes descriptive of the physical environment of the nations. The first volume, *Britain and the British Seas*, by the editor of the series, J. H. Mackinder, is the only one published so far. The next to appear will be *The Nearer East*, by D. G. Hogarth (London, Heinemann).

Professor William A. Dunning's *History of Political Theories, Ancient and Mediæval*, appeared recently. It covers the period from the beginning of Greek speculation to the first years of the sixteenth century (Macmillan).

The correspondence of Taine, which is said to relate less to the facts of his life than to his views and ideas, is being prepared for publication in Paris. There will be at least three volumes, which will be issued at intervals of a year.

Another series of school histories is announced, this time by Messrs. Allyn and Bacon. Dr. Charles Kendall Adams is the general editor. He and Professor Wm. P. Trent, of Columbia University, will contribute the volume on the United States; Professors C. M. Andrews, of Bryn Mawr College, F. C. Hicks, of the University of Cincinnati, and Victor Coffin, of the University of Wisconsin, will write respectively on England, France and Germany; and Professor W. M. West, of the University of Minnesota, is to provide two volumes, one on ancient and the other on modern history.

ANCIENT HISTORY.

Mr. G. B. Grundy, university lecturer in classical geography at Oxford, has written a substantial volume on *The Great Persian War and its Preliminaries*, in which he treats of the relation between the Greeks and the oriental monarchies prior to the year 490 and deals in detail with the campaign of Marathon and with that of the years 480-479. The book is illustrated with maps, photographs and sketches of the main sites of interest (Charles Scribner's Sons).

A new collection of inscriptions is in course of publication at Rome (Loreto Pasqualucci), edited, in four volumes, by Professor Hector de Ruggiero, of the University of Rome: *Dizionario Epigrafico di Antichità Romane*. Its aim is to bring together all inscriptions "of interest" left to us from classical antiquity, at less cost than in former collections and in such form that they can be used by those who have not an exhaustive knowledge of epigraphy. To this latter end the abbreviated parts of the inscriptions will be filled in, and wherever possible lost parts will be restored.

Messrs. Constable announce *Tiberius the Tyrant*, by J. C. Tarver, as a biography which throws light on the process by which the Roman Empire was developed from the Republic.

Dr. Otto Seeck, after a long interval, has published the second volume of his *Untergang der antiken Welt*. This work, it is announced, will be completed in about four volumes.

An outline of the history of the Roman occupation of North Africa, based chiefly upon inscriptions and monumental remains in that country, entitled *Roman Africa*, has lately been published by Longmans, Green and Co.

Close upon Professor Dill's *Roman Society in the last Century of the Western Empire* comes a volume by Mr. T. R. Glover which deals with nearly the same world: *Life and Letters in the Fourth Century* (Cambridge, University Press).

Principal R. Rainy has contributed to the "International Theolog-

ical Library" a considerable volume on *The Ancient Catholic Church*. It embraces the period from the accession of Trajan to the Council of Chalcedon (London, Clark).

Noteworthy articles in periodicals: H. H. Howorth, *The Later Rulers of Shirpula or Lagash*. Part I. (English Historical Review, January); *The Future of Greek History* (Quarterly Review, January); Gaston Boissier, *Le Jugement de Tacite sur les Césars* (Revue des Deux-Mondes, December 1); A. Harnack, *Gemeindebildung und Bisthum in der Zeit von Pius bis Constantin* (Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, November 28); H. B. Swete, *Eucharistic Belief in the Second and Third Centuries* (Journal of Theological Studies, January); *The Holy Eucharist: an Historical Inquiry*. II. (Church Quarterly Review, October).

MEDIEVAL HISTORY.

M. Charles Diehl sets forth, in the *Revue de Synthèse Historique* for October, the present condition of studies in Byzantine history: *Les Études d'Histoire Byzantine en 1901*.

Among the most interesting recent announcements is the *Histoire des Maîtres Généraux de l'Ordre des Frères Prêcheurs*, by D. A. Mortier, of the same order. His plan is to take up each master-general, study his personality thoroughly, follow him step by step in his government and set forth the chief features of his influence in the order and in the church. The work will comprise five or six volumes. The first, which is promised for November, will treat of the first six masters-general (1216-1283) (Paris, Picard).

Noteworthy articles in periodicals: Maurice Dumoulin, *Le Gouvernement de Théodoric et la Domination des Ostrogoths en Italie d'après les Œuvres d'Ennodius*. I. (Revue Historique, January); Paul Scheffer-Boichorst, *Die Erhebung Wilhem's von Baux zum Könige des Arelat's* (Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, December 12); L. Froger, *Une Abbaye aux XIV^e et XV^e Siècles: L'Abbaye de Saint-Calais* (Revue des Questions Historiques, January); Anatole France, *Le Siège d'Orléans (1428-1429)* (Revue de Paris, January 1-March 1).

MODERN HISTORY.

Lord Acton has been compelled by ill-health to relinquish the editorship of the "Cambridge Modern History," and this work has been entrusted to Dr. A. W. Ward (who will be editor-in-chief), Dr. G. W. Prothero and Mr. Stanley Leathes. The new editors will adhere as far as possible to the plans arranged by Lord Acton. The first volume of the work is promised for the autumn at the latest.

An important contribution to the history alike of France and of Geneva in the time of Henry IV. is made by M. Francis de Crue in *Relations Diplomatiques de Genève avec la France. Henri IV et les Députés de Genève, Chevalier et Chapeaurouge*, published in "Mémoires et Docu-

ments de la Société d'Histoire et d'Archéologie de Genève," vol. XXV., and also separately (Paris, Picard). It may be noted also that the nineteenth volume of *Quellen zur Schweizer Geschichte* is made up of documents concerning France and Switzerland two centuries later: *Les Relations Diplomatiques de la France et de la République Helvétique, 1798-1803* (Basle, Geering).

Mr. Arthur Hassall's edition of Dyer's *History of Modern Europe* is now completed, with the appearance of the sixth volume (Macmillan).

Attention may be called to a new weekly journal, *L'Européen*, directed by MM. Van der Vlugt and Charles Seignobos. Its aim is to inform the public, with freedom and impartiality, upon national and international matters of a political order.

Noteworthy articles: Paul Bailleu, *Die Verhandlungen in Tilsit (1807)*. *Briefwechsel König Friedrich Wilhelm's III. und der Königin Luise* (Deutsche Rundschau, January and February).

GREAT BRITAIN AND IRELAND.

The Oxford University Press will publish immediately a *Companion to English History*, edited by Mr. F. P. Barnard. The book is made up of a dozen sections, on such subjects as architecture, town and country life, and monasticism, written by Dr. Jessopp, Professor Oman, Professor Rait and others. Needless to say it is designed especially for educational purposes.

Some of the most characteristic and valuable utterances of the late Bishop of London have been edited by Mrs. Creighton, under the title *The Church and the Nation: Charges and Addresses* (Longmans). At least one of the papers, that on "Papal Dispensations," is of special interest to historical students.

The *Ancestor*, an illustrated quarterly review just founded in England, will be devoted especially to county and family history and to heraldry. It will aim to make itself the central authority on these subjects.

Messrs. Longmans have lately published a work entitled *Tribal Custom in Anglo-Saxon Law*, by Dr. Frederic Seebohm. It deals with the Anglo-Saxon laws from the point of view of tribal custom, and the result bears especially on the social position of the twelf-hynd and twy-hynd classes and of the Anglo-Saxon ceorl.

The *Calendar of the Patent Rolls* is now complete for the reign of Edward I. During the past year the first volume of the series was published, covering the years 1272-1281. Its delay was due to the fact that the period had already been covered in the reports of the Deputy Keeper of the Public Records (numbers 42 to 50 inclusive; 1881-1889). We should mention also that a volume of the same series for the reign of Henry VI. as far as 1429 appeared in 1901.

The University Press at Cambridge has published *The Charters of the Borough of Cambridge*, edited for the Council of the Borough of Cambridge and the Cambridge Antiquarian Society, by F. W. Maitland and

Mary Bateson. Dr. Maitland furnishes a valuable introduction, and the text of the charters is accompanied by a translation on the opposite page.

Dr. J. J. Jusserand's article in the *Revue de Paris* for December 15, on "L'Époque de la Renaissance en Angleterre," may very well be a foretaste of his *Literary History of the English People*, which he hopes to complete this year.

The fifteenth volume of the *Transactions* of the Royal Historical Society contains, besides Dr. Jensen's original texts relating to Peter's Pence, a paper by Mr. Firth on the "Later History of the Iron-clads", a sequel to his "Raising the Iron-clads"; a short paper by Mr. Reddaway on the "Advent of the Great Elector"; extracts, edited by Miss M. B. Curran, from the correspondence of an English diplomatic agent in Paris between 1669-1674, one William Perwich; and "The Peace of Luneville," by Miss L. M. Roberts, a long discussion of the diplomatic negotiations leading up to that treaty. The Society's Alexander Medal was awarded to Miss Roberts for this paper. A new volume of the *Publications* of the same society includes the last installment of Mr. Firth's scholarly edition of the Clarke Papers.

The *Autobiography* of Lieut.-General Sir Harry Smith, who served in South America, in the Peninsula and France, at New Orleans, at Waterloo, in North America and Jamaica, in South Africa during the Kaffir War, in India during the Sikh War, and at the Cape, has been published in two volumes. Some chapters are added by the editor, G. C. Moore Smith (London, Murray).

It appears that a real advance in our knowledge of Scottish history in the sixteenth century has been made by the publication, through the Scottish History Society, of *Papal Negotiations with Mary Queen of Scots during her Reign in Scotland, 1561-1567*, edited from the original documents in the Vatican archives and elsewhere, by John Hungerford Pollen, S. J. Two hundred and fifty-nine of these pieces are here printed for the first time. It may be added that Father Pollen promises at some time the publication of the documents relating to the proposed excommunication of Elizabeth at Trent and also the Lennox papers.

Noteworthy articles in periodicals: *New Lights on Mary Queen of Scots* (Quarterly Review, January); J. F. Chance, *George I. in his Relations with Sweden before his Accession and to May 1715* (English Historical Review, January).

FRANCE.

A study in the history of the Merovingian period, *Vie de Saint Ouen*, by Father E. Vacandard, has recently appeared in Paris (Lecoffre). Two chapters of this work form the leading article in the *Revue des Questions Historiques* for January, "Saint Ouen Évêque de Rouen: L'Ordre Monastique et le Palais Mérovingien."

The long-awaited final volumes (III. and IV.) of *La France et le Grand Schisme d'Occident*, by Noël Valois, have lately appeared. The first two volumes of this work, it may be recalled, were accorded the

Gobert Prize by the Academy of Inscriptions and Belles-Lettres (Paris, Picard).

A noteworthy edition, by M. B. de Mandrot, of the *Mémoires de Philippe de Comynes*, from a hitherto unused manuscript, has begun to appear in the "Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire." The first volume comprises the years 1464-1477 (Paris, Picard).

The Société de l'Histoire de France has lately brought out a volume of prime interest for the history of the religious wars in France: *Mémoires du Vicomte de Turenne, depuis Duc de Bouillon, 1565-1586*, followed by thirty-three letters of the King of Navarre and other hitherto unpublished documents. The work of preparation was done by M. Baguenault de Puchesse, editor of the last volumes of the *Correspondance de Catherine de Médicis*.

M. Gabriel Hanotaux continues his work on Richelieu. Two articles by him in the *Revue des Deux-Mondes* for January 1st and February 1st relate to the European crisis of 1621: I. "Le Problème Protestant en Europe.—Les Affaires de la Valteline"; II. "Luynes et le Parti Protestant en France"; and a third, in the number for February 15, treats of "La Genèse des Idées Politiques de Richelieu."

M. Lacour-Gayet continues his studies of the French projects of descent upon England in the eighteenth century by an article in the *Revue Maritime*, since published separately, on "La Campagne Navale de la Manche en 1775." With it may be mentioned M. J. Colin's study of the attempted invasion of 1744, entitled *Louis XV et les Jacobites* (both brought out by Chapelot, Paris).

Recent books on Napoleon include *La Genèse de Napoléon*, by J. B. Marcaggi, dealing with his intellectual and moral development to the time of the siege of Toulon (Paris, Perrin); *Napoleon's Campaign in Poland*, by F. L. Petre (London, Low); *A Life of Napoleon I.* (Macmillan), by Thomas E. Watson, who writes here in much the same way as in his *Story of France*; and especially *The Life of Napoleon Bonaparte*, by J. H. Rose, in two volumes (Macmillan). In this connection attention may be called also to a suggestive and timely article by M. Edouard Driault, in the *Revue D'Histoire Moderne et Contemporaine* for November-December, entitled "L'Histoire de la Politique Extérieure de Napoléon I^{er}." It characterizes the work done so far in regard to the Napoleonic period and sets forth questions that remain to be treated.

Noteworthy articles in periodicals: Le Comte d'Haussonville, *Madame de Maintenon d'après les Souvenirs Inédits d'une de ses Secrétaires* (*Revue des Deux-Mondes*, December 15); S. Charléty *Lyon sous le Ministère de Richelieu*, concluded (*Revue d'Histoire Moderne et Contemporaine*, January); E. Gabory, *La Marine et le Commerce de Nantes au XVII^e Siècle et au Commencement du XVIII^e* (1661-1715) (*Annales de Bretagne*, beginning in the November number); Georges Yver, *La petite Vendée du Sancerrois* (*Revue d'Histoire*

Moderne et Contemporaine, November); G. Caudrillier, *Le Complot de l'An XII*. III. (Revue Historique, January); Ph. Sagnac, *Les Juifs et Napoléon (1806-1808)*, concluded (Revue d'Histoire Moderne et Contemporaine, January); P. Feret, *Le Concordat de 1817: Suite de l'Ambassade du Comte de Blacas; Ambassade du Comte Portalis* (Revue des Questions Historiques, January).

ITALY, SPAIN.

The director of the *Rivista Storica Italiana*, Professor Costanzo Rinaudo, has undertaken an index of the most important contents of that journal since its beginning in 1884. There will be two volumes, of some 500 pages each, and it is hoped that they may be out early in 1903. Such an index will be of special value, from the fact that since 1896 the *Rivista* has aimed to give an analysis or notice of all new works, wherever published, relative to the history of Italy.

Those who follow the progress of historical work in Spain will know of the article on the archives, libraries and museums of Spain that was published originally in the *Revue Internationale des Archives, Bibliothèques et Musées* and incorporated later into R. Altimira's *De Historia y Arte*. A useful supplement to this general account appeared in the *Bibliographe Moderne* for January and March of 1901, and has since been brought out separately: *Les Archives Historiques Nationales de Madrid* by M. G. Desdevises du Désert.

Noteworthy articles in periodicals: R. Garnett, *A Laureate of Caesar Borgia* (English Historical Review, January); F. de Navenne, *Pier Luigi Farnèse*, concluded (Revue Historique, January); Victor Pierre, *Le Clergé Français dans les États Pontificaux (1789-1803)* (Revue des Questions Historiques).

GERMANY, SWITZERLAND.

The second part of the "Nachrichten und Notizen" of the first number of the *Historische Vierteljahrschrift* for 1902 includes a timely account, by W. Lippert, of recent "Archivlitteratur" relating to Germany.

German historical publications for the year 1900 are reviewed by M. Philippon in the January-February number of the *Revue Historique*.

Much light has been thrown upon the history of commerce in Germany in the fourteenth century, more particularly that of the Hansa, by the publication of *Das Handlungsbuch von Herman und Johan Wittenborg*, edited by Carl Mollwo (Leipzig, Dyk). This is the oldest of the German account books now known.

An edition of the original text of the secret correspondence of Mirabeau during his residence at Berlin is being prepared by Erich Wild. Meantime the introduction to this edition has been published under the title *Mirabeau's geheime diplomatische Sendung nach Berlin* (Heidelberg, C. Winter).

Among the most noteworthy historical publications recently undertaken in Germany is an extensive work by Dr. Adolf Stölzel: *Die Ent-*

wicklung der gelehrten Rechtsprechung, as shown by the acts of the Brandenburg "Schöppenstuhl." Four volumes of the acts have been issued: *Urkundliches Material aus den Brandenburger Schöppenstuhlakten*; and the first volume of the work itself: *Der Brandenburger Schöppenstuhl*. Later volumes will treat of the influence of the Roman law, and of the history of civil and criminal procedure (Berlin, F. Vahlen).

The first volume of an important work in the field of "Kulturgeschichte," *Der älteste deutsche Wohnbau und seine Einrichtung*, by Dr. K. G. Stephani, has lately appeared in Leipzig (Baumgärtner). This volume comes down through the Merovingian period; the one to follow will continue the subject to the end of the eleventh century.

A substantial contribution toward a history of public opinion in Germany has just been made by Dr. Theodore Scheffer: *Die preussische Publizistik im Jahre 1859, unter dem Einfluss des italienischen Krieges* (Leipzig, Teubner).

The history of Switzerland in the time of the Burgundian wars is known largely from the official Bernese chronicle by Diebold Schilling. A new edition of this chronicle, prepared by Professor G. Tobler, has been issued recently: *Die Berner Chronik des Diebold Schilling, 1468-1484*, in two volumes (Berne, Wyss). This will replace the old edition of 1743.

Noteworthy articles in periodicals: Felix Priebatsch, *Die Hohenzollern und der Adel der Mark* (Historische Zeitschrift, LXXXVIII., 2); Alfred Götze, *Die zwölf Artikel der Bauern, 1525*, a critical edition (Historische Vierteljahrschrift, January); A. Waddington, *Un Mémoire Inédit sur la Cour de Berlin en 1688* (Revue Historique, January); Heinrich Ulmann, *Kritische Streifzüge in Bismarcks Memoiren* (Historische Vierteljahrschrift, January); Hermann Oncken, *August Reichensperger* (Historische Zeitschrift, LXXXVIII., 2); Heinrich von Poschinger, *Handschriften des Geh. Leg. Rats Küpfer über die deutsche Frage in den Jahren 1849 und 1850* (Historische Vierteljahrschrift, January).

BELGIUM.

M. J. Laenen, of the University of Louvain, has made an important contribution to the history of the Netherlands during the reign of Maria Theresa. It is entitled *Le Ministère de Botta-Adorno dans les Pays-Bas Autrichiens pendant le Règne de Marie-Thérèse (1749-1753)* (Anvers, Librairie Néerlandaise).

M. A. Gaillard has concluded the second volume of his elaborate and original study on *Le Conseil de Brabant*, its history, organization and procedure (Brussels, Le Bègue). He will finish the work in another volume.

RUSSIA.

Mr. W. R. Morfill has produced a brief *History of Russia, from the Birth of Peter the Great to the Death of Alexander II.* (New York, James Pott and Co.) ; and one of the chief groups of events in the same period

is the subject of a volume by Mr. R. N. Bain: *Peter III., Emperor of Russia: Story of a Crisis and a Crime* (London, Constable). In this connection it may be noted that Mr. J. Fitzmaurice-Kelly will contribute a general survey of the history of the Russian people as the third number of Professor York Powell's "Great Peoples" series (Appleton).

Russian Political Institutions, by Maxime Kovalevsky, treating of the growth and development of these institutions from the beginnings of Russian history to the present time, has lately been issued by the University of Chicago Press.

AMERICA.

A new magazine, *The Bibliographer*, (Dodd, Mead and Co.) is devoted mainly to news relating to rare and costly books of a character to appeal more particularly to book lovers and collectors. One feature as announced is to be the reproduction of rare books, and this in the first issue takes the form of facsimiles of two rare Americana, the one, some pages from Donkin's *Military Collections*, New York, 1777, and the other, a part of Thomas Hariot's *Briefe and True Report of the New Found Land of Virginia*, London, 1588.

The next volume in the "Harvard Historical Studies," published by Longmans, Green and Co., will be *The Anglican Episcopate in the American Colonies*, by Dr. Arthur L. Cross, of the University of Michigan.

General A. W. Greely has performed a useful task in preparing a list of the public documents of the first fourteen Congresses. The papers listed are accompanied by notes showing the general character of the documents and the libraries in which they are to be found. It may be a matter of surprise to some persons to find that there is not in existence even in Washington a complete set of these documents. This valuable volume is published as Document No. 428, of Senate documents of the first session of the 56th Congress.

Dr. Thomas L. Bradford, of Philadelphia, expects to complete within the coming year his bibliography of state, county and town histories that have been published in the United States. Any one possessing data on this subject, whether for sale or to loan, is requested to communicate with Dr. Bradford at Frankford Avenue, Philadelphia.

Prescott's *Conquest of Peru* and *Ferdinand and Isabella* in two and three volumes respectively are announced for the Bohn Library, each with an introduction by G. P. Winship and notes by J. F. Kirk.

A recent work treating in a comprehensive way of the causes, progress, and results of Spanish conquests in the New World is *Caracter de la Conquista Española en America y en Mexico; segun los textos de los Historiadores Primitivos* by Genaro Garcia, Mexico, 1901. It appears to be based largely on official reports of the conquerors.

The leading article in the *Records of the American Catholic Historical Society* for December, 1901, is a Prize Essay of Pauline Lancaster Payton on "Pierre Gibault, Priest and Patriot of the Northwest in the Eighteenth Century."

John Trumbull: a Brief Sketch of his Life to which is Added a Catalogue of his Works, by J. F. Weir, is just published by Scribner.

A fourth edition has been issued of T. H. McKee's *The National Conventions and Platforms of all Political Parties, 1789-1901* (Baltimore, The Friedenwald Co., 1901, pp. 381, 33).

A new edition of the *Documentary History of the Constitution* has been published by the State Department. It contains fifteen pages of additional notes by James Madison.

A Study of the Twelfth Amendment of the Constitution of the United States is the subject of a doctor's dissertation by Lolabel House (Philadelphia, 1901). It gives the discussion concerning the method of electing the President, which arose in the Philadelphia Convention, and enters somewhat into the debates and controversies preceding the adoption of the Amendment. It is unfortunately not written in good clear English.

An edition of Lewis and Clark's Journal verbatim from the original manuscript is announced by Dodd, Mead and Company to be edited by R. G. Thwaites.

The Oregon Historical Society has initiated plans for celebrating the Lewis and Clark expedition by erecting a monument at Fort Clatsap, the winter quarters of the explorers in 1805-1806, and is advocating the holding of an industrial exposition at Portland. The success of the latter proposition has been secured by action of the state legislature and the city of Portland, by ample subscriptions to a stock company formed to guarantee the exposition financially and by promises of co-operation from the other states formed from the Oregon territory. It is hoped that a permanent memorial of the occasion may be created in the shape of an historical library building.

The Columbia College Library has received a very valuable gift from William C. Schermerhorn in the DeWitt Clinton letters. These comprise a mass of correspondence, largely political in character, covering the first quarter of the nineteenth century including letters from all the Presidents from John Adams to Van Buren. There are also letters from George Clinton, Jay, Burr, Chancellor Kent, Gouverneur Morris and all the leading New York politicians of the time, as well as from Freneau, Gallatin, Henry Clay and many others.

The *Bulletin of the New York Public Library* for January contains the "Calendar of the Barbour Papers," including a long list of letters to James Barbour of Virginia between the years 1811-1841 from John Quincy Adams, Henry Clay, W. H. Crawford, Jefferson, Monroe and others of less note.

Scribner's "American History Series" is completed by the new volume by Professor J. W. Burgess entitled *Reconstruction and the Constitution*.

The Life of Andrew Johnson, Seventeenth President of the United States, by Rev. J. S. Jones, is published by the East Tennessee Publishing Company, Greenville, Tennessee.

Under the authority of the board of aldermen of Boston, acting as county commissioners of the county of Suffolk, the Records of the Court of Assistants of the Colony of Massachusetts Bay are being prepared for the press and printed. The first volume is now published; it covers not the earlier but the later history of the court, 1673 to 1692. It is entitled Volume I., because "the original manuscript book from which it is printed is the only complete volume of its records now extant, and all that has preserved the specific form of an original record of the Court." The remainder of the records is made up of material drawn from various sources. The work of collecting and printing is being done under the direction of Mr. John Noble, clerk of the supreme judicial court.

The volume of the Nantucket Historical Association for 1901 contains an interesting study of the settlement of that island in the seventeenth century under the title "Nantucket Lands and Land Owners," by H. B. Worth.

The Journals of the House of Representatives of Massachusetts Bay for 1715 are to be edited by Worthington C. Ford and issued in a limited edition. Only four copies of the original are known to exist. In addition to these, the "Minutes of the Governor and Council" will be included to supply the absence of any journals for the November session.

Dr. S. A. Green has prepared a series of *Ten Facsimile Reproductions Relating to Old Boston and Neighborhood* which is published by G. E. Littlefield, Boston.

The De Burians, a club of book lovers in Bangor, Maine, have published *Peter Edes and His Diary, 1775*, edited by S. L. Boardman. Edes was an early printer in Boston and Newport and a pioneer printer in Bangor and Augusta.

The state of New York has completed the arrangement of its Revolutionary War records, in fifty-two folio volumes, with a complete card index.

Professor Herbert L. Osgood, of Columbia University, has issued, on behalf of the Public Archives Commission of the American Historical Association, an appeal for a State Record Commission in New York to preserve local archives. That immediate action is needed is shown by the behavior of two towns in Onondaga County which recently burnt all old papers and records as rubbish.

The Pennsylvania Society of New York has offered two prizes for the best essays on "The Influences that laid the Foundations of Pennsylvania." The competition is open to members of the senior classes of Pennsylvania universities and colleges, and the essays are to be presented by April first.

A recent doctor's thesis at the University of Pennsylvania, by L. S. Shimmel, treats of "Border Warfare in Pennsylvania during the Revolution" (R. L. Myers and Company, Harrisburg).

The January number of the *Pennsylvania Magazine of History and Biography* continues the publication of letters to and by Margaret Shippen,

wife of Benedict Arnold, and of the Memoirs of General Lacey. It also contains an interesting article on "The Society of the Sons of Saint Tammany of Philadelphia, 1765," by F. A. von Cabeen.

The Pennsylvania Society of New York will publish a *Yearbook of Contemporary History and Patriotism*, containing the record of the society's work during the past year and also abstracts of magazine articles on Pennsylvania, notes on books published in Pennsylvania or concerning the state, accounts of memorials erected, anniversaries celebrated, and pictures of historic buildings. This ought to prove a useful annual compilation, if consistently carried out.

The first volume of a series interesting to genealogists and other students of early Maryland history has been issued by the W. J. C. Dulany Company, Baltimore, a *Maryland Calendar of Wills, 1635-1685*, edited by Jane Baldwin.

Two recent issues of the Johns Hopkins University Studies dealing with Maryland History are *Western Maryland in the Revolution*, by B. C. Steiner, and *Governor Thomas Hicks of Maryland and the Civil War*, by George L. P. Radcliffe.

A number of interesting articles appear in the *West Virginia Historical Magazine* for January. They include an account of "The Celebration of the One Hundred and Twenty-seventh Anniversary of the Battle of Point Pleasant, October 10, 1774," an article on the Fairfax Stone by J. L. Miller, M.D., and a study of the career of Philip Doddridge, an early representative of West Virginia sectional interests in the Virginia legislature, Constitutional Convention and in Congress, 1815-1832, by W. S. Laidley.

The bicentennial of the settlement of Mobile was celebrated January 23 by the erection of a monument at Twenty Seven Mile Bluff to commemorate the founding of Fort Louis de la Mobile in 1702 by D'Iberville and Bienville. Exercises held on this occasion included an historical address by Peter J. Hamilton, author of *Colonial Mobile*, and an address in French by Professor Paul J. Robert. At a celebration held the same evening under the auspices of the ladies of Mobile a prize poem was read, written by Miss Annie L. Shillito.

Number IV. of Volume III. of the *Indiana Historical Society Publications* is entitled "The Mission to the Ouabache" by J. P. Dunn. This contains, in addition to the historical study by Mr. Dunn, three reports made by Robert B. Douglas, who on behalf of the Indiana Historical Society collected evidence in the colonial office in Paris and sent transcriptions of a number of documents.

The *Historical Collections of the Michigan Pioneer and Historical Society for 1899-1900*, recently published, contains the usual number of pioneer sketches, the most important being "Recollections of Pioneer and Professional Life in Michigan" by R. C. Kedzie. Two contributions of historical value are by C. M. Burton on "Early Detroit" and "Fort Pontchartrain du Detroit, 1701-1710, under Cadillac." Mr.

Burton is preparing for the next volume of the *Collections* the orderly book of General Winchester and also a set of very interesting documents relating to the Black Hawk War. The publication of such material will greatly add to the value and usefulness of the series.

At the third annual meeting of the Illinois State Historical Society at Illinois College, Jacksonville, on January 23 and 24, the annual address was given by Hon. J. N. Jewett, President of the Chicago Historical Society, on "The Sources and Results of Law in Illinois." The list of briefer papers comprised a number on early religious and social history of Illinois, and several dealing with the French occupation, also one on "The State's Internal Improvement Venture of 1836-38," by Dr. Bernard Stuvé, and one on "Richard Yates' Services to the Union as War Governor," by Dr. William Jayne.

Number III. of the Publications of the Illinois State Historical Library is *The Territorial Records of Illinois*, edited by Professor Edmund J. James, of the University of Chicago (Springfield, Phillips Brothers). It includes the executive register, 1809-1818; the journal of the executive council, 1812; and the journal of the house of representatives, 1812.

Green B. Raum has written a *History of Illinois Republicanism embracing a History of the Republican Party in the State to the Present Time* (Rollins Publishing Company, Chicago).

The addresses given at the dedication of the new building of the State Historical Society of Wisconsin are printed in a memorial volume published by the society. It includes besides the address delivered by Charles Francis Adams, which has been printed in the REVIEW, short addresses by other speakers, and a brief history of the society by Mr. R. G. Thwaites, the editor of the volume and the secretary of the society.

Mr. William Harvey Miner has prepared for the Dibdin Club a Boone bibliography. It is published under the title *Daniel Boone. Contribution toward a Bibliography of Writings Concerning Daniel Boone* (New York, 1901).

In the *Annals of Iowa* for January, F. I. Herriot gives a depressing account of the utter lack of care shown by the state in the preservation of public documents, and makes an appeal for prompt action to save early records from further destruction and secure adequate care for recent and current material.

The *Quarterly of the Texas State Historical Association* for January contains an interesting study by R. C. Clarke on "The Beginnings of Texas," dealing with early Spanish explorations and settlements in the seventeenth century.

The *Quarterly of the Oregon Historical Society* for December, 1901, contains the first installment of "The Political History of Oregon, 1865-1876," by W. D. Fenton.

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The Library of Congress has issued a list of books on Samoa and Guam compiled under the direction of Mr. A. P. C. Griffin. The latest publication of the Bureau of American Republics is a list of books, magazine articles and maps relating to Central America, prepared by Mr. P. Lee Phillips of the Library of Congress.

Noteworthy articles in periodicals: W. G. Brown, *Lincoln's Rival* (Atlantic Monthly, February); E. E. Sparks, *Formative Incidents of American Diplomacy* (Chautauquan, January to March); Emerson Hough, *The Settlement of the West, a Study in Transportation* (Century Magazine, November to January); Goldwin Smith, *England and the War of Secession* (Atlantic Monthly, March); Stephen S. Colvin, *History Teaching in the first Years of the High School* (Journal of Pedagogy, December); Herbert Putnam, *Relation of the National Library to Historical Research* (Educational Review, March).